

EXECUTIVE ORDER NO. 8-93

(Conformed Copy After Amendment No. 1)

WHEREAS, issues relating to public safety are of primary concern to all citizens of the City of Philadelphia;

WHEREAS, it is incumbent upon the government of the City of Philadelphia to ensure that agencies directly responsible for public safety, particularly the Police Department, have the proper support from the government and its various agencies; and it is important that falsely accused police officers be exonerated by a credible, independent review commission as it is those that are properly accused be reviewed by a credible review commission;

WHEREAS, it is similarly incumbent upon the government of the City of Philadelphia to instill confidence in its citizenry to redress grievances against the government and its employees;

WHEREAS, annual civil judgments and settlements by the City of Philadelphia have exceeded \$10 million for the past five years in cases involving alleged incidents of misconduct or abuse of civil rights, including more than \$3 million in settlements of such cases in 1992 alone;

WHEREAS, the establishment of a civilian advisory commission in the City of Philadelphia will help to prevent future incidents of police misconduct and abuses of civil rights, reduce the amount of money needed to satisfy judgments and settlements based upon allegations of police misconduct, promote public confidence in law enforcement, and lessen the possibility that future incidents of urban unrest will occur.

NOW, THEREFORE, by the power vested in me in accordance with Section 3-100(h) of the Philadelphia Home Rule Charter, it is hereby ordered as follows:

SECTION 1. ESTABLISHMENT OF COMMISSION.

The Mayor's Police Advisory Commission is hereby established in the Managing Director's Office, which Office shall pay, from appropriations made to it, all the expenses of such Commission. The Commission shall consist of thirteen (13) members who shall be appointed by the Mayor. Seven (7) of the original members shall be appointed to four (4) year terms, and six (6) shall be appointed to two (2) year terms, and all shall serve until the appointment of their successors. Persons appointed to fill vacancies shall serve for the balance of the terms for which their predecessors were appointed. All other appointments shall be for terms of four (4) years. All members shall serve, as prescribed by

Section 3-404 of the Philadelphia Home Rule Charter, at the pleasure of the Mayor. All appointees shall be residents of the City of Philadelphia. The Mayor shall make the appointments in the following manner:

a. Six (6) appointments, of which three (3) shall be for initial four (4) year terms and three (3) for initial two (2) year terms, shall be made from a list of eighteen (18) nominations submitted to the Mayor by the City Council. Council shall forward such nominations to the Mayor by resolution after public hearing held by the Committee of the Whole.

b. Within seven (7) days of the date the Mayor learns of a vacancy in any Commission position subject to the Council nomination process set forth above occurring for any reason other than expiration of term, and no later than thirty (30) days prior to the expiration of the term of a Commission member subject to the Council nomination process set forth above, the Mayor shall notify Council of such event. Successors to persons designated and appointed pursuant to Section 1(a) above shall be selected from a list of Council nominations made in the manner provided in such subsection with Council nominating three (3) persons for each position to be filled. Such nominations shall be made no later than thirty (30) days after the Mayor informs Council of a vacancy to be filled, or within thirty (30) days of the termination of a Commission member's term, except that Council recess days shall not be counted in calculating such time limits. In the event that Council fails to make nominations as required hereby, the Mayor shall make appointments without regard to such nominations.

c. In addition to the appointments above, the Mayor shall solely make seven (7) appointments, four (4) of which shall be for initial four (4) year terms and three (3) of which shall be for initial two (2) year terms, taking into consideration three (3) nominations made by the Police Commissioner.

d. All initial appointments shall be made by the Mayor within thirty (30) days of the date Council forwards its nominees to the Mayor in accordance with Section 1 (a) of this Order, and all of the subsequent appointments shall be made within sixty (60) days of any of the following:

(1) the date the Mayor gives notice to Council of a vacancy to be filled under Section 1 (a) above; or

(2) the occurrence of any other vacancy.

SECTION 2. COMPOSITION OF COMMISSION.

In making nominations and appointments, Council and the Mayor shall use their best efforts to create and maintain a Commission reflecting the diversity in the population of the City

and to include as Commission members three (3) persons who are experienced as law enforcement professionals, but not sworn, currently employed, Police Department officers.

a. For the purposes of this section, experience as a law enforcement professional shall include experience as a police officer, criminal investigator, special agent, or a managerial or supervisory employee who exercised substantial policy discretion on law enforcement matters, in a federal, state, or local law enforcement agency, other than experience as an attorney in a prosecutorial agency.

b. Others selected shall have skills and experience in areas relevant to the work of the Commission. Areas that should be represented are: civil rights work and litigation; community and business leadership; and relevant academic expertise.

c. No member of the Commission shall hold any other public office or employment.

d. The chair of the Commission will be elected by the Commission from among its members. At the first meeting of the Commission it shall, by majority vote of all of its members, adopt rules governing the conduct of its meetings, proceedings, and other procedural matters.

e. To enable the Commission to conduct its work, the Commission is hereby authorized to hire its own Executive Director and appropriate investigative and clerical staff. Additional staff support to the Commission shall be provided by the Office of the Managing Director, the Inspector General, the District Attorney, and the Police Department, upon the request of the Commission.

SECTION 3. COMPENSATION OF COMMISSION MEMBERS.

No compensation shall be paid to Commission members, except reimbursement for expenses actually incurred pursuant to performance of Commission business.

SECTION 4. POWERS AND DUTIES OF THE COMMISSION.

a. The Commission shall advise the Managing Director and the Police Commissioner on policies and actions of the Police Department with the purpose of improving the ability of police personnel to carry out their duties, and to improve the relationship between the Police Department and the community.