

EXECUTIVE ORDER NO. 8-93

(Conformed Copy After Amendment No. 3)

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 fifteen (15) members who shall be appointed by the Mayor. Eight (8) of the original members shall be appointed to four (4) year terms, and seven (7) 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. Seven (7) initial appointments, of which four (4) shall be for 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. In addition to the appointments above, the Mayor shall solely make eight (8) initial appointments, four (4) of which shall be for initial four (4) year terms and four (4) of which shall be for initial two (2) year terms, taking into consideration three (3) nominations made by the Police Commissioner.

c. Four (4) alternate members shall be appointed, two (2) of whom shall be designated as "Council Alternates" and shall be selected from Council's nominations, and two (2) of whom shall be designated as "Mayor Alternates." The alternates shall automatically move into the first available vacancies from either the Council list or the Mayor list and shall serve for the remainder of the original member's term, unless the vacancy consists of one of the law enforcement positions on the Commission, in which event the appointment mechanism set forth in Section 1(d) of this Executive Order shall apply.

All alternates shall go through all training programs designed for Commission Members, shall be permitted to attend all meetings of the Commission, and shall be subject to all confidentiality and other provisions prescribed in this Executive Order for Commission Members.

d. 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 in Section 1(a) or the Mayoral appointment process set forth in Section 1(b) occurring for any reason other than expiration of term and for which no alternate is available for appointment, 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 in Section 1(a) or the Mayoral appointment process set forth in Section 1(b), the Mayor shall notify Council of such event. Successors to persons designated and appointed pursuant to Sections 1(a) and 1(b) shall be selected pursuant to Section 1(c).

When the term of a Commission member has elapsed, or in the event of any vacancy occurring among the law enforcement positions on the Commission, the appointment/nomination process described in Sections 1(a) and (b) shall be replicated. In the case

of renominations made by City Council, the Mayor shall make appointments from a list comprised of three times as many nominations as there are vacancies. City Council shall forward such nominations to the Mayor by resolution after public hearing held by the Committee of the Whole. The Mayor shall also make reappointments that reflect as many vacancies as exist among his initial appointments, taking into consideration nominations made by the Police Commissioner. In addition, alternate members shall be reappointed to complete the complement of four (4), pursuant to Section 1(c) hereof.

e. 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.