

EXECUTIVE ORDER NO. 9-93

WHEREAS, issues related 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 have the proper support from the government and its agencies; and that the citizenry have an equal degree of faith in those agencies to deal with their complaints in a fair, equitable, and timely manner;

WHEREAS, Executive Order 1-80 established procedures for the prompt and impartial processing of complaints against the Police Department;

WHEREAS, there is a need to broaden and codify the procedures by which citizens of the City of Philadelphia can seek redress of grievances against members of the Police Department;

WHEREAS, the effective investigation of, prompt response to, and impartial resolution of citizens' complaints of police harassment, abuse, unlawful use of force, and use of excessive force are essential to the trust that society places in its police;

WHEREAS, numerous complaints of harassment, abuse, unlawful use of force, and use of excessive force have been made by citizens against some members of the Philadelphia Police Department;

WHEREAS, existing procedures for investigating and determining such complaints need to be broadened and made more accessible to the public, thereby permitting the public to hold the Police Department accountable for the resolution of citizens' complaints;

WHEREAS, it is the intention of this Executive Order to preserve the autonomy of the Police Commissioner's exercise of duties, while mandating procedures equitable to both citizens and police personnel for resolving citizens' complaints of police harassment, abuse, unlawful use of force, and use of excessive force, and other misconduct.

NOW, THEREFORE, by the power vested in me in accordance with Section 3-100(h) of the Philadelphia Home Rule Charter, the following guidelines for the processing of complaints alleging brutality, misconduct, or verbal abuse by members of the Philadelphia Police Department, and the study, review, and dispensation of said complaints, are hereby ordered:

SECTION 1. CITIZENS' COMPLAINTS

a. All citizens' complaints against a police officer shall be received, investigated, and disposed of in accordance with

the procedures set forth herein, and complainants shall be notified of action taken by the Police Commissioner.

b. Copies of special pre-numbered complaint forms entitled "Citizen Complaint Report" (CCR), published in separate English Spanish, Chinese, Korean, and other language versions as shall be necessary to provide broad and inclusive access to this complaint procedure, shall be supplied in sufficient quantities to all Police Districts and units, the Philadelphia Commission on Human Relations, the Mayor's Office for Community Services, all Mayor's Action Centers, the District Attorney's Office, City Councilperson's offices, and community-based organizations upon request. In addition, the Police Department shall contact public interest agencies, such as the Coalition on Police Accountability, the Public Interest Law Center Of Philadelphia, Community Legal Services, and the Black Clergy of Philadelphia and Vicinity, and offer to provide forms to these organizations.

Each of the above-listed agencies or officials shall be accountable for the complaint forms issued. Interpreters and persons with needed literacy skills shall be made available to the complainant as needed throughout the complaint and investigation process. Such persons shall not be sworn, currently employed police officers.

c. The complaint form and its carbon copies shall contain a statement to the effect that the filing of a complaint will not necessarily result in a criminal investigation, but that an internal Police Department investigation will be initiated. The complaint form shall also include the address and telephone number of the Internal Affairs Division, and a summary of the procedures and timetable established by this Order for the conduct of investigations and notification to the complainant. Each complainant shall receive a copy of the CCR at the time it is filed with the issuing agency. Not later than twenty-four (24) hours after the CCR is filed with the issuing agency, the said agency shall send a copy of the CCR to the District Attorney's Office.

d. Each agency issuing complaint forms shall maintain a control log of sequential numbers for each form issued.

Each log entry made by an issuing agency shall show the name of the complainant, the date and time the complaint form was given to the complainant, and whether the complainant left the form with the issuing agency to be officially filed. The log shall not show the name, badge number, or other descriptive information relating to any police officer(s) complained of. The Police Department shall keep a master list of all forms and the offices to which they have been assigned. Such control logs and master list shall be available for viewing by the public.

e. The Internal Affairs Division of the Police Department shall be designated as a central control agency for all cases of citizens' complaints against the police.

f. Police Department personnel shall inform any person who wishes to make a complaint against a police officer of the existence of the formal complaint procedure established by this Executive Order and shall refer such persons to the various locations, including the nearest location, where the CCR may be obtained and filed.

g. The Police Department shall promulgate specific procedures for the recording and processing of citizen complaints against the police in accordance with this Executive Order by its effective date. The Police Department shall also prepare, publish, and distribute CCRs in accordance with this Executive Order by its effective date.

SECTION 2. PROCEDURES FOR THE INVESTIGATION OF COMPLAINTS

All civilian complaints concerning police misconduct which are filed shall be received, investigated, and disposed of in accordance with procedures set forth herein, except as provided in Section 5 infra. The following procedures shall govern the investigation of the citizen's complaint:

a. Upon receipt of the CCR, the Commanding Officer of Internal Affairs shall promptly assign it for investigation to a member of Internal Affairs who shall be responsible for the investigation of the alleged incident. All such investigations shall be initiated by, and insofar as practicable, carried out by, the staff of Internal Affairs. The staff of Internal Affairs shall have direct responsibility for all such investigations. No such complaint shall be referred for investigation to the commanding officer of the police officer against whom the complaint has been lodged, or to any other officer of the same command; provided, however, that Internal Affairs may refer verbal abuse and lack of service complaints to the Commanding Officer of the unit to which the accused officer is attached, where appropriate. Internal Affairs shall monitor and review such investigations and take appropriate action, if necessary.

b. The investigation by Internal Affairs shall include, but not be limited to, the following:

- Interviews with the complaining witness, the alleged victim of the police misconduct (if other than the complaining witness), and all other witnesses to the incident who are indicated on the complaint form;