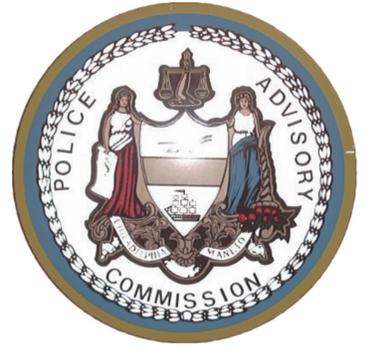


**POLICE ADVISORY COMMISSION
MINUTES**

Monday, March 21, 2011

12th & Cambria Recreation Center
2901 N 12th St, Philadelphia, PA 19133



Present: Bronson, Burley Castillo-Perez, Cavanaugh, Chaudhary, Crumlish, Garcia, Goldfein, Haynes, Islam, James, Kung, Meade, Phillips, Volz,

Absent (Excused): Branson, Salgado, Spraggins

Absent Unexcused: Abdul-Aleem

Counsel: Hayes

Staff: Johnson, Anderson, Michael, Chaffin

Chair Mu'min Islam called the meeting to order at 6:04 pm

REGULAR SESSION

1. **Chair's Report** – **Chair Islam** greeted the public, and explained the role of the Commission. The Chair discussed the activities of the Commission to date, including upcoming monthly community meetings at the Community College of Philadelphia (April), and the Asian Arts Initiative in May, and the activities of several committees, including the Internal Review Committee, the Public Relations Committee, and the Operating Procedures Committee. The Chair also discussed City Council Bill #11014, which proposes creating the Commission as a permanent agency. The bill has since been removed from consideration, but is expected to be re-introduced at a later date. There are ongoing discussions with Deputy Mayor Gillison's office regarding this effort.
2. **Review of Minutes of Feb 21, 2011 meeting** – Minutes were unanimously approved by voice vote.
(Addendum from Secretary) The Minutes from February 21 were incorrect in that Commissioner Chaudhary was recorded as "Absent." Commissioner Chaudhary should have been recorded as an "Excused Absence." Commissioners are reminded that Minutes are posted well in advance on Wiggy and corrections can be made in advance.
3. **Report of Executive Director** (Johnson) The Executive Director reported that 8 complaints were received in March, which brings the total to 29 complaints to date in 2011, which is 6 more complaints than we received at this point in 2010. There are currently 221 active investigations (86 investigations, 33 audits). Eight cases were closed by the IRC committee, and three cases are moving into the panel hearing process. Johnson also reported that we

have received permission to hold two hearings in the Criminal Justice Center, and efforts to engage the FOP around the mediation issue are continuing. Commissioner Phillips is working with the Commission to locate a Spanish-speaking intern.

4. **Report of Counsel** – Counsel Hayes discussed the letter received from the District Attorney’s Office in response to questions from the Commission regarding the Nizah Morris case. The DA’s office refused, and noted that providing the information requested would: 1) jeopardize the homicide investigation, 2) set an “unacceptable precedent” because the Commission is not a criminal justice agency, 3) would also require the DA to waive a number of legal privileges with respect to their case dockets. *(NOTE: Chair Islam moved that the matter be tabled until it could be reviewed by the IRC, acclaimed by unanimous voice vote.)* As a side matter, Commissioner Kung asked Parliamentarian Crumlish if PAC committee reports were open to the public under the PA Sunshine Act. Crumlish replied that the work of the IRC and Personnel Committees would fall under executive session, while public accommodations to the work of other committees could be decided by the presiding officer. Counsel Hayes also discussed a memorandum prepared for the Commission which discusses the legislative process related to permanent agency. Commissioner Kung also asked Counsel Hayes for an opinion regarding the ability of a Philadelphia Police officer to inquire about immigration status of an individual during a police stop. Commissioner Volz also noted that the Commission’s Agenda and attached minutes from committees will be made available to the public.

Report of Standing and Ad Hoc Committees:

A. Operating Procedures Committee (Volz) The Operating Procedures Committee is working on suggestions for Commissioner training, and the Civilian Police Academy will start another round of 13 weekly classes on Wednesday’s beginning in Sept. Please contact Executive Director Johnson for further details. Commissioner Crumlish encouraged others to consider additional venues for training outside of the civilian academy. Commissioner Kung requested that a syllabus be provided in advance of the civilian academy course. Commissioner Volz distributed a basic reference handbook for Commissioners and staff.

B. Public Relations Committee (Goldfein) The PR Committee continues its work on materials for public distribution, including the Miranda cards, the PAC brochure and the website. Work on a site outside the city would cost roughly \$7-12 month. If funding for a new site is approved, the current site would be used to house only basic items such as meeting notices, complaint documents, etc. The next step will be to create a timetable for bringing the new site online, and consider the use of other assets, such as the Commission’s Twitter and Facebook accounts. The PR committee is hoping to meet virtually, as much of its work will be evaluating websites, etc. Commissioner Volz asked that the Minutes & Agenda be posted on the Commission’s website. Commissioner Castillo-Perez asked who’s responsible for distribution of press releases for Commission meetings. Commissioner Goldfein noted that the press releases are sent out by staff via fax and

email. Commissioner Kung noted that the Executive Committee is working with the Executive Director to develop a checklist to prepare for meetings and community events.

C. Investigatory Review Committee (Cavanaugh) Commissioner Cavanaugh noted that the IRC has closed almost 30 cases, including the eight cases disposed of during the March IRC meeting. Any Commissioner is welcome to review the details of any case, and attend the IRC meetings. Commissioner Burley asked what percentage of cases are closed and for what reasons. Commissioner Crumlish noted that the number of cases which are being closed is dominated by older, inactive cases. Commissioner Islam noted that the cases which go to panel hearings are generally cases where there is a serious physical or abuse of authority allegation, or an instance where there is a serious disagreement with the findings of Internal Affairs. Commissioner Burley asked how many cases were closed the previous year, and how many involved cases with officers who had previous disciplinary records, and Commissioner Bronson asked for a detailed statistical breakdown of the reasons for closing. The IRC is working on a format for a quarterly stats report, and also distributed a draft copy of the proposed Standard Operating Procedures for PAC investigations.

D. Personnel Committee - (Kung) Commissioner Kung submitted and summarized a draft of a proposed Sexual Harassment policy that will cover Commissioners. The policy is posted on the Wiggio site. Commissioner Kung also reviewed the Ethics Board report on conflict of interest received by the Commission, and work performance review expectations and authority expectations, in anticipation of a review of the Executive Director in Jan 2012. The Personnel committee has also decided not to have a Chief Investigator.

E. Mediation Committee (James) Commissioner James reported that the Committee did not meet in March, but is continuing its efforts to engage the FOP around the issue.

F. Annual Report Committee – (Islam) reported that the Committee has been provided statistics from 2009 and 2010, and is in the process of compiling the information for a draft report to be submitted to the full Commission in April.

New Business

(1) Chair Islam noted that Commissioner Branson raised a concern regarding meetings being scheduled on a holiday. Both the meetings in January (Martin Luther King's birthday) and February (President's Day) fall on the third Monday of the month in 2012. Chair moved that a commission meeting which falls on a holiday should be moved from the third Monday to the third Tuesday. (Passed by unanimous voice vote).

(2) The Executive Committee has decided that the Commission will meet throughout the summer.

(3) Commissioner Haynes had asked that a discussion be held as to the scheduling of Panel Hearings on Tuesdays and Thursdays as some commissioners might be unable to sit on those weekdays. The Executive Director said that had been the previous custom of the Commission. Both Commissioner Crumlish and Volz questioned why Panel Hearings could not be held on the other days of the week. A suggestion was made that once Commissioners were scheduled for a Panel Hearing that those Commissioners work on a schedule between them and inform the Executive Director.

(4) Petition re a Spanish-speaking Investigator: Chair noted that one of the Commissioners has circulated a petition urging the city to hire a Spanish-speaking investigator. Chair noted that he agreed with the need, and has spoken with Deputy Mayor Gillison regarding additional staff. Chair noted that he did not agree with the circulation of the petition, as the Commissioners should be speaking with one voice on such issues. As a compromise, Chair Islam suggested authoring a letter from the full commission making a request for a Spanish-speaking investigator. Commissioner Garcia noted that the relationship between the Latino community and the police is very fragile, and the need for the Commission to have someone on staff who speaks Spanish was evident during the Nov. 2010 meeting. Nothing was done, and Garcia said it's important that the Nutter Administration, City council, the Commission and the community need to be made aware of this need. Garcia noted that only 13 Latinos filed complaints out of 195 total, which is absurd. Castillo-Perez noted that providing Spanish-language Miranda cards took much too long and sent the wrong message to the Latino community in November. Commissioner Kung noted that the issue is follow-up to community meetings, and proposed that the secretary summarize and distribute items to appropriate committees for follow-up that are generated in monthly meetings. Commissioner Meade also agreed that there is a need for a bilingual investigator, but added that there is a need for Commissioners to adhere to the operating procedures laid out by the organization. Commissioner Crumlish noted that there is plenty of room for Commissioners individual opinions, as long as they don't appear to be speaking on behalf of the organization.

PUBLIC SESSION

- **25th District Capt Frank Vanore** – Introduced himself and answered questions regarding police service in the area.
- **Tim Cwiek – Phila Gay News** – Discussed the Nizah Morris case.
- **A Neighborhood resident** – had questions for Capt. Vanore regarding officers who showed up at her home after she called to report drug dealing in the area.
- **Zac Steele (Juntos)** – Discussed an upcoming event on April 12, a debate between 1st District City Council candidates around immigration and police issues.
- **Phila Youth Commission Executive Director Jordan Harris**– discussed the availability of summer programs for youth, and two fairs that will be held.

Adjournment – The Chair adjourned the meeting at 8pm.

(Addendum from Secretary) The Executive Committee had requested the room be set up in a certain fashion for Commission meetings, and this request was substantially complied with. Commissioners who commented on the set-up were universally favorable. The suggestions comprised (1) setting up the table in an elongated “U” shape with the Chair in the center, flanked by the Executive Committee, (2) setting up Commissioner name plates, (3) giving each commission a tablet for writing, previous minutes, and agenda [the correct agenda was not provided], (4) hanging the Commission banner behind the main table, (5) displaying an American flag [a legal requirement]. Bottled water had also been requested for each Commissioner, but that was not provided.