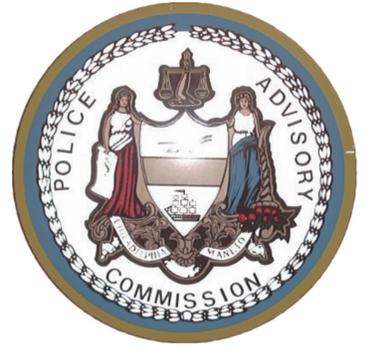


**POLICE ADVISORY COMMISSION
MINUTES**

Monday, April 18, 2011

Center for Business and Industry, Community College of Philadelphia
18th & Callowhill Sts, Philadelphia, PA 19130



Present: Branson, Bronson, Burley, Cavanaugh, Chaudhary, Crumlish, Islam, James, Kung, Meade Phillips, Salgado, Volz

Absent (Excused): Castillo-Perez, Garcia, Goldfein, Haynes

Absent Unexcused: Abdul-Aleem, Spraggins

Counsel: Hayes, Chentis

Staff: Anderson, Chaffin

Chair Mu'min Islam called the meeting to order at 6:06 pm, and asked to convene an Executive Session. The regular meeting resumed at 6:40 pm.

REGULAR SESSION

1. **Chair's Report – Chair Islam** greeted the public, and explained the role of the Commission as the oversight agency for the Philadelphia Police Department. The Chair discussed the mission and activities of the Commission to date, including the May monthly community meeting, which will be held at the Asian Arts Initiative.
2. **Report of Executive Director** (Anderson) The Deputy Director reported that the Commission has received three complaints in April, which brings the 2011 total to 38 complaints to date, eight complaints more than we received as of April 2010. There are currently 230 active investigations (189 full investigations, 33 audits). Six cases were closed by the IRC committee at its April meeting. The DiGiosa matter has been removed from the panel hearing schedule, and three additional cases 1) Anthony Bey (April 27/28), 2) Anthony Abrams (May 2/4) & 3) Kemp Banks (May 8/10) are moving into the panel hearing process. A draft letter promoting mediation as a selling point to the FOP has been sent to members of the Mediation Committee. The Commission has purchased a flag for meetings in adherence with the Sunshine Act, and is working on public meeting notices for future meeting and hearings. Commissioners were reminded to file financial disclosure documents before the May 1 deadline. Counsel Hayes has circulated a link to the electronic filing system. The Executive Director is working with Commissioner Phillips to identify candidates for Spanish-speaking interns, and has also met with David Torres of the Managing Directors office. Torres informed us while there are no funds to hire a Spanish-speaking investigator at

this time; the MDO's office has authorized the PAC to receive immediate assistance of certified interpreters during interview, field investigations, or Commission meetings. Commissioner Phillips noted that there are some questions regarding the work-study status of potential interns and has circulated a job description. Several resumes have been received, but do not meet the criteria. There was additional discussion among Commissioners of the stated requirements and the vetting process for Spanish-language speakers. Commissioner Burley suggested that the process be opened to undergraduates as well as law school students, and Commissioner Salgado volunteered to help evaluate candidates.

3. **Review of Minutes of March 21 2011 meeting** – Minutes were unanimously approved by voice vote. Deputy Director stated that the March Minutes and April meeting agenda were posted on the Commission website in advance of the meeting as required by the Sunshine Act. Secretary Volz noted that the monthly committee reports are attached to the agenda. And posted on the website as well.
4. **Report of Counsel** – Counsel Virginia Chentis briefed the Commission on her initial inquiry into questions about police procedure and immigration status. Chentis noted that PPD Directive #11 details immigrants' rights with respect to communication with their consulate, and rights when they are taken into custody. There was a memorandum issued by former Commissioner Timoney in 2001 which prevented officers from inquiring about immigration status unless it has some bearing on the crime under investigation. In 2009, Mayor Nutter issued an Executive Order which mirrors the previous memorandum and directive: no City Employee may inquire about immigration status unless it is needed to provide services. They are specifically prohibited from inquiring about the status of crime victims or witnesses. Chentis also discussed the agreement between the City and ICE regarding access to the city's Preliminary Arraignment System (PARS). When the agreement expired the Nutter administration initially opposed its renewal, but eventually removed identifying victim and witness information and allowed access to continue. A more detailed report will be provided at the May meeting. Commissioner Salgado noted that she is getting lots of questions regarding the Commission's position on immigration issues, and Commissioner Bronson followed up with a similar question. Commissioner Kung suggested that we need additional guidelines for handling correspondence with complainants who do not speak English, a task that can be the Investigative Guidelines being formulated by the IRC.

Report of Standing and Ad Hoc Committees:

A. Operating Procedures Committee (Volz) The Operating Procedures Committee prepared addendum 4.3, a recommendation originally from the Executive Committee, regarding the setup of rooms and other requirements for commission meetings, including posting of the agenda, minutes, etc. Commissioner Branson suggested that Commissioners also adhere to the requirement of not wearing earpieces during meetings. The addendum was accepted by unanimous voice vote.

B. Public Relations Committee (Salgado) The PR Committee continues its work on a new PAC website. A number of older items have been removed from

the current site to improve its navigability, while the new site is under development. A preliminary budget of \$5000 is being requested from the Personnel Committee, and Commissioners are encouraged to submit names of web designers to the committee. The committee is discussing the procedures for publishing Public Meeting Notices with staff. Commissioner Kung noted that any discussion of budget needs should be taken up by the Executive Committee. Chair Islam noted that this item will be discussed in the next Executive Committee conference call.

C. Investigatory Review Committee (Islam) Commissioner Islam apologized for not inviting Commissioners Burley & Branson to the April IRC meeting and promised to re-extend the invite for the May meeting. In addition to individual complaints, several policy issues will be scrutinized as the summer approaches, including concerns around Stop-and-Frisk, Stop-and-Swab, and vehicle stops. Chair Islam noted that the Executive Director and staff will be compiling information about trends in these areas, in order to consider the need for broader hearings on these policy issues. Four cases were rejected at the April IRC: one was beyond the 180-day limit; another case concerned a careless driving citation, which is not jurisdictional. In connection with the Nizah Morris case, the IRC recommended that 1) the Commission subpoena the records from the District Attorney's Office, and 2) the PAC formally seek designation as a Criminal Justice Agency as defined in the Criminal Record History Act. Chair Islam offered a motion to accept the IRC recommendations, which was unanimously approved by voice vote. Chair Islam noted that the DiGiosa hearing was removed because the complainant was not available to testify. All commissioners are encouraged to attend the next IRC meeting will be held on May 12 at 6pm in the Commission Office.

D. Personnel Committee - (Kung) Commissioner Kung discussed creation of additional personnel policies regarding the use of commission equipment, vehicles, personal phone calls, illegal drugs and alcohol use. Commissioner Kung moved for adoption of the policies, which passed by unanimous voice vote.

E. Mediation Committee (Cavanaugh) Commissioner Cavanaugh reported that the Committee is continuing its efforts to broker a meeting with the FOP regarding a mediation program. The Committee will review the draft letter prepared by staff and prepare a final version for delivery to the FOP.

F. Annual Report Committee – (Islam) reported that staff and committee members are reviewing 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.

PUBLIC SESSION

- **Tim Cwiek – Phila Gay News** – Discussed the Nizah Morris case, thanked the group for

issuing a subpoena, and advised the panel about his concerns regarding additional information that has not been provided to the Commission.

- **Anne Todd** – also discussed her ongoing concerns regarding the Nizah Morris case with the Commissioners.
- **Philip Todd-Cochetti** – questioned the Commissioners about the potential outcomes of the PAC subpoena for information in the Nizah Morris case.

Adjournment – The Chair adjourned the meeting at 8:15pm.