

**Police Advisory Commission**  
February 27, 2012  
17<sup>th</sup> Police District  
Marian Anderson Recreational Center  
740 S. 17<sup>th</sup> Street

Excused Absences: Branson

1. **Review of Minutes of January 23, 2011**
2. **Sunshine Act Certifications** (Anderson)  
Minutes from December 19, 2011 posted on Commission web site ( \_\_\_\_\_ )  
Agenda for February 27, posted on Commission web site
3. **Secretarial Report** (Volz) (2 minutes)
  - (a) reminder that times for Commission meetings is now 6:30
  - (b) next meeting is back to third Monday, March 19 (Athletic Center, 26<sup>th</sup> and Master)
  - (c) biographies: have: Chaudhary, Crumlish, Garcia, Goldfein, Haynes, Volz  
Missing: **Branson, Bronson, Burley, Castillo-Perez, Cavanaugh, Islam, James, Kung, (Meade)**
  - (d) excused absences sent to Chair or Secretary
  - (e) Section 11, Internal Operating Procedures (attached)
4. **Report of Chair** (Goldfein) (10 minutes)
  - (a) Recommendation 2012-1 DeCoatesworth
  - (b) Recommendation 2012-2 Officer "theft" cases
  - (c) Nizah Morris panel: Crumlish, Goldfein, Volz
  - (d) Minatee Panel: Chaudhary, Haynes, Islam (Burley)
  - (e) awaiting notes in Banks
  - (f) Abrams hearing: March 16
5. **Report of Executive Director** (Johnson) (5 minutes) (attached)
6. **Report of Counsel** (waived)
7. **Report of Standing and Ad Hoc Committees:**
  - A. **Operating Procedures Committee** (Volz) (waived)
  - B. **Public Relations Committee** (Goldfein)
  - C. **Investigatory Review Committee** (Cavanaugh)
  - D. **Personnel Committee** (Kung)
  - E. **Mediation Committee** (James)
  - F. **Annual Report Committee** (Kung)
8. **Old Business**
9. **New Business**
  - (a) Investigations of police shooting of civilians: How many cases are on our docket? How many of those complaints were solicited by the PAC staff? What case specific outcomes has the PAC achieved? What percentage of staff time has been devoted to these cases?
  - (b) Contract for bi-lingual staffer: Please provide a copy of the contract description. What is the selection process? Who conducts the interviews? What is current status of application process? (a) Investigation of police shootings of civilians: how many does PAC have?
10. **Public Comment**

**Adjournment**

## Report of the Executive Director

The Commission has received 4 complaint filings thus far in month of February.  
129 total complaints (active)

The IRC has recommended that the 50 older cases be identified and we have moved to close 35 cases with 12 remaining on the No caps list, 5 ongoing complaints. After meeting with IAD we will determine how to resolve the remaining 12. We are compiling the list of current cases for request for continuance of investigation. Of 33 open investigation from 2011. We are requesting that 27 remain open. The numbers of the complaints have been provided.

Our Current Docket sheets are posted on the Wiggo site

Two Outstanding opinions in the matter of K. Banks, and Anthony Abrams.  
We have determined a date to take testimony of Officer Burke in the matter of Anthony Abrams, Thursday, March 15, 2012@ CJC, rm.305.

Our next Commission meeting is scheduled for Monday, March 19, 2012 at the Athletic Center, 26<sup>th</sup> & Master Streets.

The follow-up meeting of organizers of a Public hearing into immigration issues has been scheduled for February, 27, 2012; we will establish a date for this hearing in the spring.

Thursday, January 19, 2012, we met with the father of Albert Pernell, who was shot and killed by Police on May 9, 2011 in the 2000 block of Birch Street. We have a formal complaint in this matter filed by the owner of the residence where the younger Mr. Pernell was shot. **(Report on total number and impact of Officer involved shootings)**

We have met with members of the PPD shooting team and reviewed the video in the shooting death of Adolphus Pinkney on Thursday, January 26, 2012. This will assist in the reaching a conclusion in this matter.

Last meeting, Staff members outlined new internal initiatives going into 2012.

### Investigation:

New Video Recording of complaint interviews  
Request assistance from the MDO for grant writing.  
Develop with IAD a separate process for Officer involved fatal shootings.  
Permanent Agency Status

### New replacements on the Commission

Expiring terms: Kung, Garcia, Goldfein, Castillio-Perez, Crumlish, Branson,

Resignations: Meade, Salgado, Spraggins Phillips, Abdullalem

**2011** Request that 27 of the 33 active cases remain open.

### **Officer involved Shootings 6**

112577 - Police shooting of mentally disturbed man

112613 - Complainant alleges that Police did not provide proper attention to her son after he was shot by assailants.

112637 - Man in engaged in shoot out with police ran into the home of neighbor

to Avoid capture by PD. Shot and killed inside of the home.

112658-60, **(2)** - Son shot by Police after dispute with person  
inside of a bar.

112632 – Son shot and killed by police inside of the home of a friend after  
allegedly killing an insurance salesman with a knife.

#### **Officer beatings 15**

- 112578 - police beat complaint after dispute with domestic partner
- 112584- police beating during a drug arrest, Compl handcuffed
- 112585- Beaten By Pd during arrest
- 112592- -Beaten by Police (traffic stop)
- 112594- Beaten by Police after verbal altercation
- 112600- Police enter residence and beat man during arrest
- 112609- Police beat and arrest a pregnant woman.
- 112631- allege son beaten by Police during arrest.
- 112656- Compl son beaten by Police in an alley.
- 112632- Beaten by Police during the arrest of her daughter
- 112628- pushed to ground by Police when refused to leave area
- 112650- allegedly handcuffed and punched by police.
- 112661 -Verb. Alt. with neighbor, when police arrive enter home and arrest  
compl.
- 112663- Police enter their home and assault and arrest both parties.
- 112648 - alleges Police assaulted her at scene of arrest of her son.

#### **Other incidents with Police 6**

- 112582- alleges that her Police officer husband has been robbing arrestees.
- 112614- Police search residence steal compl money.
- 112630- Police pull gun on compl. during traffic stop.
- 112638- Compl. alleges that P/O coerced his Sister into fabricating charge  
against her.
  
- 112610 - Police illegally search a premise
- 112641 - Neighbor P/O threatened to shoot him during altercation.

## **ARTICLE 11: COMPLAINT PROCEDURES**

A. Any citizen who believes that he or she has been the victim of misconduct by an officer of the Philadelphia Police Department may file a complaint with the Commission, on a form devised by the Commission. Commission complaint forms shall be available and may be submitted at the following locations:

1. The offices of the Police Advisory Commission;
2. The offices of the Mayor's Action Center;
3. The district offices and the City Hall offices of each of the members of the Philadelphia City Council;
4. All district stations of the Philadelphia Police Department;
5. Such other places as the Commission may from time to time determine.
6. The web/internet pages for the Commission

B. The Commission will not act upon any complaint filed which pertains to an incident which allegedly occurred before July 1, 1994. Subsequent to December 18, 1994, the Commission will not act upon any complaint pertaining to an incident which allegedly occurred more than 180 days before the complaint was filed with the Commission.

C. Commission staff shall provide a preliminary response to each within seven (7) days of receipt. The preliminary response shall indicate one of the following:

The Commission shall study the allegations made in the complaint;

The Commission shall not study the allegations made in the complaint;

The Commission shall request additional information as necessary

D. The Commission shall complete all investigations, hearing and publish its final disposition of a matter. The Investigatory Review Committee will publish a status report within ninety [90] days of the filing and acceptance by the Commission of a complaint. The Investigatory Review Committee shall publish a schedule of deadlines as Addendum D. If a complaint is not disposed of within one (1) year of its filing and acceptance by the Commission, it will be deemed to have been closed by the Commission without comment. If a complaint investigation cannot be completed within the one (1) year time frame, the Commissioners have the authority to grant reasonable additional time upon application of the Executive Director after approval by the Investigative Review Committee.

REPORT OF IRC MEETING OF FEBRUARY 16,2012 6:20  
P.M. 990 Spring Garden St, 7th Floor, Suite 705 Philadelphia,  
PA 19123

PA Commissioners Present: Cavanaugh, Robert, Presiding  
Commissioner Volz, Charles Garcia, Joe (unsuccessfully  
attempted to connect by telephone) James, Ed (by telephone)  
Ronda Goldfein, (Chair, by telephone) Crumlish, Jim, Acting  
Secretary

Staff Present:  
Johnson, Bill  
Chaffin, Joe

Monthly Docket: None  
Presented Survey of 10  
Newest Cases None  
Presented

IRC Meeting Called to Order:

Discussion of 50 Oldest Cases pending in PAC.

The Executive Director circulated by email to the IRC Committee and Executive Committee a spread sheet of the 50 oldest cases that was to be provided as previously directed by the IRC and Executive Committee. In follow up to a preliminary review of the list prior to the meeting, the Chair had requested of the Executive Director provide to the IRC and the Executive Committee more specific information on a case by case basis of the nature of the cases as well as information as to what is required to move the case to some prompt resolution. A majority of the IRC felt that this still was not accomplished.

As a preliminary matter, Commissioner Crumlish noted that under the Commission's Internal Operating Procedures Article 11 , that if a case investigation had aged beyond one year it was the responsibility of the

Executive Director to apply to the IRC and Commission for approval for continuing the case on an active basis and the provide reasons therefore. Under the IOPs, the oldest unresolved cases i.e. over a year are "deemed" by operation of Rule closed, without comment. The Executive Director indicated that he was unaware of PAC IOP Article 11 and agreed that no application or explanation given to the IRC to continue any of the 50 oldest cases or any other case older than a year.

The was a discussion of why these 50 oldest PAC cases were unresolved and the Executive Director indicated that in the cases noted on the spreadsheet as "Received" that all information and investigative work had been completed by the PAC, however, because of legal issues, Internal Affairs (IA) delays, PBI appeals and the District Attorney's office, it could not be determined when, if any, progress could ever be made by the PAC in resolving these aging cases. A second group of cases he indicated were described as "NO CAP" that Internal Affairs had either lost the PAC files, were never opened by IA or they were lost or forgotten in e-mail traffic between IA and the PAC.

After a thorough discussion, it was determined that the 29 cases marked "Received" were, by recommendation of the Staff, to be closed, that the ED was going to meet with his brother at IA and the 12 "No CAP" cases were going to be accessed for possible closure as above and the two "Closed Cases" were so designated. The remaining cases ofthat were to be immediately accessed for resolution by email vote prior to the next full commission meeting, (keeping in mind IOP Article 11). The majority of the IRC felt that allowing the languishing of complaints going back as late as 2007 was unfair to the Complaints and the subject officers and that this intractable backlog of irresolvable cases was keeping the PAC from allocating its limited resources effectively to meet its mission and the needs of the community on a prompt basis.

Presiding Commissioner Cavanaugh expressed his concern that the enforcement of the "deemer" clause in IOP Article 10 was dramatic and he felt some more time was needed and some possible revisions to the IOPs regarding relief from automatic closure should be considered. Commissioner Volz volunteered to work with Commissioner Cavanaugh on any suggestions he may have for the IOP committee evaluate on revising that provision. Additionally there was a suggested revision of the IOPs by the Majority regarding the appointment of all Commissioners to serve on future Panel Hearings as opposed to the Panel 1,2,3,4 system.

The Committee also discussed the treatment ofthe remaining 59 aging cases the Executive Director indicated were also over a year and categorized

as above it was agreed that as above those cases that were carried as "Received", "NO CAP" and "Closed" would be recommended by staff for immediate closure, and circulated by email to the IRC for approval of that action. It was agreed that the Presiding Officer of the IRC and the Chair would confer and provide staff with a firm deadline of completing the above actions.

It was also directed by the IRC that the Executive Director promptly provide the IRC with the 90 day reports regarding new PAC cases that are required under PAC IOP Article II(D.)

There was a follow up discussion of the DeCoatsworth matter and the public repose to the Commissioner's statements and the circulated PAC recommendation. There was a further discussion of the up coming Panel hearings and the Chair appointment of additional Commissioners for service as Presiding Officers in Panel Hearings.

The meeting was then adjourned.

Appendix A is a summary of the matters resolved by the IRC as above.

## Received

1. 82106
2. 82109
3. 82143
4. 82143
5. 82454
6. 82150
7. 82149
8. 82158
9. 82170
10. 82173
11. 82174
12. 82188
13. 82192
14. 82202
15. 82206
16. 82210
17. 82218
18. 82221
19. 92250
20. 98265
21. 92273
22. 92316
23. 92318
24. 92335
25. 92374
26. 92391

## Closed

82112  
92272

## No Cap

81968  
82042  
82077  
82084  
82132  
82159  
82181  
82193  
82219  
92299  
92333  
92370