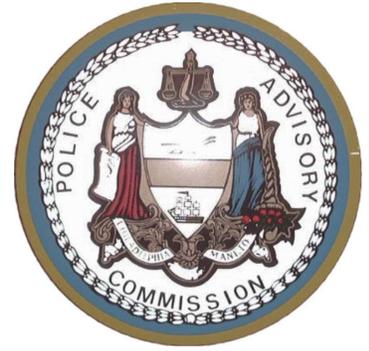


**POLICE ADVISORY COMMISSION  
MINUTES**

Monday, April 15, 2013

William Way Community Center

1315 Spruce Street, Philadelphia, PA 19107



**Present:** Crumlish, Volz, Haynes, Chaudhary, Goldfein, Bronson

**Staff:** Anderson, Michaels

**Counsel:** Not Present

**Absent (Excused):**

**Absent (Unexcused):**

**Chair called the meeting to order at 6:35 PM**

**REGULAR SESSION**

- 1. Review of Minutes of April 15, 2013 – (approved by unanimous voice vote)**
- 2. Report on Nizah Morris Opinion** – Chair Goldfein began the meeting with a description of the Commission, its powers and duties, and introduced the Commissioner Secretary Volz summarized the final Nizah Morris Opinion, including a timeline of the events related to the case, and distribution of the report to police, city officials, the State Attorney General, the Municipal Police Officers Training and Education Commission, and the US Attorney's Office.
- 3. Public Comment** – Tim Cwiek made three initial points regarding the opinion, 1) the time between the so-called courtesy ride and the time Morris was found on the street with a head wound is not as precise as 20-minute interval stated in the opinion, 2) Provided a list of evidence noted by the DA and asked if PAC can make any of it public, including 110 radio room transmissions, 3) There was a single cell phone conversation, not conversations as noted in the opinion. Another member of the audience asked if a cell phone search warrant was ever issued in the Morris case. Cwiek and Chair Goldfein noted that the warrant was issued as part of the civil proceedings in the case. There was additional discussion of the Non-disclosure agreement and sharing of information among law enforcement agencies. Former Commissioner Michael Weiss noted that the first panel had "no malice" with respect to the decision to enter into the initial non-disclosure agreement. Weiss noted that the panel decided it was better to review what it could, as opposed to being completely shut out of the DA's records. Another audience member asked if the non-disclosure pact applied if police closed the case. Commissioner Crumlish explained that, under the state Criminal Records History Act, the records of an unsolved homicide remain exempt from disclosure as active investigative records. Another member of the audience pointed out that labeling Nizah Morris "a transgender" is incorrect, that the correct terminology would be a "transgendered woman" adding that sexual orientation and gender orientation are not the same. The concept is one of gender as opposed to sexual orientation. Other audience members expressed concerns about the care Morris received by the wider public safety community, including paramedics and medical personnel. Another audience member complimented the

Commission and encouraged the community to follow-up with the US Attorney and the PA State Attorney General. Cwiek asked if the Commission could reveal any details about the paramedics who responded. Commissioner Volz noted that the Executive Order and state laws prohibited the Commission from releasing additional records in the case. Another audience member noted that, despite some disagreements in the room, “this panel has given us something we did not have before.” There was a question from the audience regarding what the next steps are. Chair Goldfein & Commissioner Volz noted that the opinion has been sent to the PA State Attorney General and the US Attorney for additional action, and urged anyone with concerns about the case to contact those offices and urge them to take action.

4. **Report of Executive Director – PAC/IA Citizen Complaints** –The Commission has received 13 cases so far in 2013, and has 38 open investigations from 2012 and 2011. Internal Affairs received 63 complaints against police in March 2013, and has received a total of 222 citizen complaints thus far in 2013.

- **Arbitration Cases** – Staff continues work on a review of 65 arbitration cases from 2007-2011. We will be receiving copies of an additional 30-40 cases from 2011-2012 from the Law Department’s Labor Relations later this week. We also have a new intern who will be assisting with this project. Lt. Josey’s arbitration case is scheduled for June, and we hope to have a summary report ready by the May Commission meeting.
- **Nizah Morris Opinion** – On **Friday April 5**, Commission staff hand-delivered copies to the Morris family, the Mayor, Police Commissioner, Managing Director and Director of Public Safety. We posted the opinion on the PAC website and various social media outlets on **Thursday April 11**, and per the recommendations, also forwarded copies of the Commission’s findings to the Municipal Police Officers Education & Training Commission, the PA State Attorney General, and the US Attorney for the Eastern District.
- **Meeting with Deaf/HH Advocates** – On **Monday April 8** I had a second group meeting with the advocates. We continued to discuss their concerns and potential input into a training video currently being authored by the Training Bureau and the commissioner appointment process. The DHCC group is also producing a video for its constituents describing the complaint process. We discussed a public meeting with the Commission focusing on these issues, possibly in early fall.
- **NACOLE Panel Invitation** – I have been invited to present on a panel discussion of the impact of technology on police oversight at the annual conference of the National Association for Civilian Oversight of Law Enforcement in Salt Lake City in early October.
- **New ATV law in effect** - The City of Philadelphia is getting tougher on illegal riders of ATVs. A new law has gone into effect that increases the penalty for operating or parking ATVs illegally. These vehicles are frequently driven recklessly, with disregard for pedestrians and other vehicles. As the weather gets warmer, more of ATVs can be seen throughout the city. They present a great danger to our communities.
- **Other incidents and questions from the public** – Assisted a deaf individual who was allegedly assaulted during an accident with an unidentified male in the 35<sup>th</sup> District.

5. **Report of Counsel - Waived**

## **Report of Standing and Ad Hoc Committees:**

1. **Operating Procedures Committee (Volz)** – Discussed the approved changes to Article 6, which include mandatory dates for all opinions, a footnote detailing when the opinion was approved, and a prohibition of non-disclosure agreements under most circumstances.
2. **Public Relations Committee (Haynes)** – (waived)
3. **Personnel Committee** - (as needed)
4. **Mediation Committee** – (as needed)
5. **Annual Report Committee** – (Haynes) (waived)

The meeting was adjourned at 7:48pm. The next Commission meeting was scheduled for Monday May 20, 2013 at a location to be determined.