



# **ANNUAL REPORT**

## ***THE PHILADELPHIA POLICE ADVISORY COMMISSION***

Honorable Edward G. Rendell  
Mayor

Jane Leslie Dalton, Esq.  
Chairperson

Hector W. Soto, Esq.  
Executive Director

***Fiscal Year 1998***  
(July 1, 1997 thru June 30, 1998)

## **FOREWORD**

Pursuant to the Philadelphia City Charter, the Police Advisory Commission (the "Commission") is herewith submitting its Annual Report for the fiscal year ending June 30, 1998, ("FY 1998"). The Commission welcomes comments and questions regarding the contents of this report, or regarding any issue relevant to the Commission's operations or mission. This is the fifth annual report issued by the Commission since its founding on October 29, 1993.

## I. INTRODUCTION

Established by Executive Order 8-93 of the Honorable Mayor Edward G. Rendell issued on October 29, 1993, the Commission has the vital task of monitoring and improving the relationship between the Philadelphia Police Department and the communities and citizens the Department is established to serve. To that end, the Commission has been empowered to do fact-finding and publicly report on both individual allegations of police misconduct and abuse, as well as on broader issues of police policy and procedure. Pursuant to the Executive Order, the Commission is authorized to conduct public hearings, subpoena witnesses and review police documents. The Commission's findings are then submitted to the Mayor, the City's Managing Director, the Police Commissioner and then to the public. If warranted, the Commission is authorized to recommend to the Police Commissioner that disciplinary action be taken or that departmental policy be changed. The Executive Order creating the Commission is included in the Appendix.

## II. REPORT OF THE CHAIR

This was a year of consolidation and improvement for the Police Advisory Commission. The Commission began again to conduct panel hearings on citizen complaints. The progress of these hearings was impeded by lack of cooperation from the Fraternal Order of Police (FOP). In a major victory for the Commission, on June 15, 1998, Police Commissioner Timoney issued a departmental directive advising police officers that failure to cooperate with the Commission, even if on advice of counsel, would be cause for disciplinary action. See Appendix, Police Commissioner's Directive.

- The Commission after Panel Hearings issued recommendations in the following matters:

<b>File</b>	<b>Recommendation (Date)</b>	<b>Response (Date)</b>
<b>Scott Lempert PAC #960259</b>	Unspecified discipline for target officer (September 15, 1997)	Declined recommendation to discipline (August 20, 1998)
<b>Louis Lanni PAC #950157</b>	Ten day suspension for each of three officers (November 25, 1997)	No further discipline for target officer No discipline for other two police officers (January 8, 1998)
<b>Megan Kille PAC #960260</b>	Written reprimand for target officer (May 27, 1998)	Target officer sent for additional training (August 20, 1998)
<b>Charles Scott PAC #970313</b>	Further training for target officer (April 3, 1998)	Target police officer was sent for further training (August 20, 1998)
<b>Tarik Rashim Gary PAC #950119</b>	One day suspension for the target officer (May 27, 1998)	One day suspension and additional training for target officer (August 20, 1998)

- On March 9, 1998, John F. Timoney became the 29<sup>th</sup> modern day Police Commissioner of the City of Philadelphia. Representatives of the Commission met with the Commissioner soon after his appointment to explain the Commission's purpose and outlook, and to increase communication between the Department and the Commission.
- On April 1, 1998 the Commission, regrettably, requested the resignation of the former Executive Director, Charles P. Kluge, Jr. William Smith, a senior investigator served as interim acting Executive Director. The Commission extends its sincere thanks to Mr. Smith for the loyal and effective service rendered in that position.
- The Commission conducted a nationwide search for a new Executive Director. More than two hundred resumes were received. These resumes were screened by a group of Commission members who then interviewed many very qualified candidates. On September 14, 1998 the Commission announced the appointment of Hector W. Soto, Esq. The Commission selected Mr. Soto because of his extensive experience in police oversight and police-community relations. Mr. Soto was the first Executive Director of the New York City Civilian Complaint Review Board, New York City's first non-police, independent civilian oversight board. He has also served as the director of the New York City Police Department's Advocates Office. He has also served as a consultant and advisor to Freedom House concerning police/military practices and human rights issues in third world nations.

Under Mr. Soto's leadership, the Commission looks forward during the upcoming year to improving its effectiveness and improving relations between the police and the citizens of the City of Philadelphia.

### **III. REPORT OF COUNSEL**

Counsel for the Commission has been active in representing the Commission during numerous legal challenges this year. The Commission continues to be represented by the law firm of Montgomery, McCracken, Walker & Rhoads, LLP. The following summarizes Counsel's activities between July 1, 1997 and June 30, 1998:

- Counsel for the Commission assisted in conducting five public panel hearings during the fiscal year. During those hearings Counsel questioned the witnesses and police officers.

- Counsel also assisted in and monitored state court litigation that challenged the constitutionality of the Commission and its procedures. Specifically, in 1995 the Fraternal Order of Police ("FOP") sued the City of Philadelphia, Mayor Rendell and former Police Commissioner Neal in an attempt to strip the Commission of its authority. The Commission's motion to intervene in that case was denied. Counsel, however, worked extensively with the City Solicitor's office in preparation of the City's defense. On November 18, 1997, Judge Marvin Halbert of the Philadelphia Court of Common Pleas dismissed the FOP's case. The FOP subsequently appealed that Order to the Commonwealth Court. Counsel for the Commission continues to act as legal liaison in this appeal which remains pending in the Commonwealth Court.
- During the fiscal year, Counsel provided legal assistance related to the hiring of the Commission's new Executive Director, Hector W. Soto, Esq. Counsel was also involved in a number of other miscellaneous legal issues.
- Finally, Counsel contributed to the Commission's outreach program this year by giving speeches to Bar Association and other legal organizations.

In the upcoming year, Counsel will actively assist the Commission in the investigation of police misconduct cases and will continue to effectively utilize the interview and public panel procedures. Moreover, Counsel will continue to provide assistance to the Commission in its litigation and other efforts.

#### **IV. PERSONNEL & BUDGET COMMITTEES**

The Personnel Committee continued to support and provide staff enhancement and development through consultant Ms. Joan Riley. The Commission has continued to operate with an Executive Director, and Administrative Assistant, a Receptionist, and three Special Investigators. A new internal office organization will be implemented during fiscal year 1999.

The total operating budget of the Commission during fiscal year 1998 was \$330,910. Of this amount, \$267,069 or approximately 81% of the budget was for personnel services; salaries for the six (6) staff members. The three Special Investigators of the Commission, in addition to their other responsibilities, have an average caseload of 40 cases each. Investigators from the Police Department's Internal Affairs Division (IAD), working on similar types of cases, carry an average caseload of less than one third that of the Commission investigators. The need for an additional investigator to handle the growing caseload and other responsibilities may soon become apparent.

## **V. OPERATIONS & INVESTIGATIONS COMMITTEES**

### **New Offices**

On July 13, 1998, the operating office of the Commission moved to its new headquarters. The new mailing address is: Police Advisory Commission, P.O. Box 147, Philadelphia, PA 19105-0147. The new office is conveniently located at 34 South 11<sup>th</sup> Street, 6<sup>th</sup> floor (one half block south of Market Street). The new office is easily accessible by public transportation from all parts of the City. The telephone number of the Commission remains the same: 215-686-3991.

### **Complaints and Investigations**

During fiscal year 1998 (July 1, 1997 - June 30, 1998), the Commission received a total of one hundred and eight (108) complaints against police officers. During FY 1997, 94 complaints were filed. The 14 additional complaints represent an approximate 15% increase. For calendar year 1998, 128 complaints were filed with the Commission. This represents an almost 40% increase in the number of complaints filed as compared with 1997 when only 90 complaints were filed. The three Special Investigators shared assignment of the Commission's 140 open investigations.

"Abuse of Authority", that is, complaints including allegations of, but not limited to improper searches, seizures and detentions, was the most prevalent complaint category during FY 1998 with 45 complaints or 42% of the total number of complaints filed. Since July 1, 1994, the startup, record-keeping date for the Commission, abuse of authority has been the most prevalent complaint category with approximately 34 % of the 458 complaints filed with agency since its inception.

"Physical Abuse" complaints, that is complaints alleging the use of unnecessary or excessive force by a police officer have been since July 1, 1994 the second most prevalent complaint category with 32% of 147 of the 458 complaints filed. During FY 1998, physical abuse complaints accounted for 21 of the 108 complaints filed or approximately 20% of the total. No other complaint category within the Commission's jurisdiction exceeded 10%.

Although there were 108 complaints filed in FY 1998, only 106 complainants were recorded for race and gender. Of these 106 complainants, 45 or 42.5% of the complainants were African-American males; 23 or 21.5% were African-American females. According to a US Census Bureau estimate (see Appendix), during 1997 African-Americans comprised 43% of the City's population. Since July 1, 1994, African-Americans have been 56% of all Commission complainants.

Latinos during FY 1998 comprised approximately 6.6% of the complainant pool. In past years, Latinos have been approximately 17% of all complainants. Latinos comprise no more than 8% of the City's population. Complaints by Non-Latino Whites totaled 31 during FY 1998: 23 male complainants and 8 female complainants, or combined, approximately 29% of the total number of complainants. According to a 1997 Census Bureau estimate, Non-Latino Whites were 48% of the City's population. No complaints were filed by Asian-Americans or others during FY 1998. Since July 1, 1994, Asian Americans have accounted for approximately 2% of all complaint filers.

The composition of the Philadelphia Police Department during FY 1998 was approximately 56% White, 38% African-American, 5% Latino and 1% Asian/Others (Source: Police Department).

## Hearings

The Commission conducted five panel hearings during FY 1998. Panel hearings are fact-finding hearings conducted by the Commission during which complainants, target officers and witnesses testify under oath regarding the allegations framed in the complaint. Panel hearings are the final step in the investigative process before disposition. Panel hearings are open to the public and media. However, the deliberations after the hearing are conducted by the presiding panel in executive session.

The number of panel hearings held during FY 1998 was artificially low because of legal challenges and tactical delays by the FOP. With the resolution of most of the FOP legal challenges and the issuance of Commissioner Timoney's directive on cooperation with the Commission (see Appendix), the number of panel hearings to be held during FY 1999 is expected to increase significantly.

In addition to panel hearings, the Commission sits in review of newly filed complaints and completed investigations as the Investigatory Review Committee (IRC). The IRC reviews new complaints (and sometimes open investigations) for subject matter jurisdiction and compliance with procedural prerequisites. The IRC also reviews completed investigations for determination as to whether or not to conduct a panel hearing on the matter. The IRC can direct the Administrative Closing of complaints or investigations lacking jurisdiction or merit. The IRC meets at least twice a month at the Commission's office.

During FY 1998, the Commission held 10 regular Commission meetings. Regular Commission meetings are generally held the second Thursday of each month (with some exceptions during the summer) at 5:30 PM. The public session of the meeting usually commences at 7:00 PM and continues until closure is appropriate. Any member of the public may attend the public session and address the Commission regarding any relevant issue. The Commission welcomes the participation of the public. The Executive Committee of the Commission also met on a regular basis during the fiscal year.

### Statistical Data

#### Status of Complaints Filed July 1, 1994 - June 30, 1998

Closed	301
Open Investigations	140
Mediation	7
Withdrawn by Complainant	<u>10</u>
<b>TOTAL</b>	<b>458</b>

#### Calendar Year Comparison: Complaints Filed 1994-1998

<u>Month</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>
January		16	8	3	5
February		11	6	6	11
March		10	6	7	12
April		7	10	5	12
May		12	4	7	10
June	1	15	4	13	8
July	8	13	11	8	7
August	9	24	15	11	13
September	15	9	8	9	9
October	8	17	6	10	13
November	12	13	10	4	9
December	8	7	3	7	19
<b>TOTAL:</b>	<b>61</b>	<b>154</b>	<b>91</b>	<b>90</b>	<b>128</b>

**Nature of the Complaints Filed: July 1, 1994 - June 30, 1998**

<b><u>Type of Complaint</u></b>	<b><u>Actual</u></b>	<b><u>Percentage</u></b>
Physical Abuse	147	32%
Verbal Abuse	41	9%
Verbal Abuse Ethnic	14	3%
Custody Abuse	9	2%
Abuse of Authority	156	34%
Ethnic Intimidation	11	2%
Sexual Orientation	7	2%
Lack of Service	41	9%
Verbal Ethnic Sexual Orientation	8	2%
Miscellaneous (no jurisdiction)	24	5%
<b>Total</b>	<b>458</b>	<b>100%</b>

**Complaints Filed: Fiscal Year 1998**

<b><u>Type of Complaint</u></b>	<b><u>Actual</u></b>	<b><u>Percentage</u></b>
Physical Abuse	21	20%
Verbal Abuse	9	8%
Verbal Abuse Ethnic	5	4.5%
Custody Abuse	2	2%
Abuse of Authority	45	42%
Ethnic Intimidation	2	2%
Sexual Orientation	2	2%
Lack of Service	11	10%
Verbal Ethnic Sexual Orientation	1	.5%
Miscellaneous (no jurisdiction)	10	9%
<b>Total</b>	<b>108</b>	<b>100%</b>

**Race and Gender of Complainants: July 1, 1994 - June 30, 1998**

<b><u>Race/Gender</u></b>	<b><u>Actual</u></b>	<b><u>Percentage</u></b>
<b>African-American Females</b>	92	20%
<b>African-American Males</b>	168	37%
<b>Asian Females</b>	1	0%
<b>Asian Males</b>	4	1%
<b>Latino Females</b>	24	5%
<b>Latino Males</b>	55	12%
<b>White Females</b>	28	6%
<b>White Males</b>	80	17%
<b>Others (both genders)</b>	6	1%
<b>Total</b>	458	100%

**Race and Gender of Complainants: Fiscal Year 1998**

<b><u>Race/Gender</u></b>	<b><u>Actual</u></b>	<b><u>Percentage</u></b>
<b>African-American Females</b>	23	21.5%
<b>African-American Males</b>	45	42.5%
<b>Asian Females</b>	0	0%
<b>Asian Males</b>	0	0%
<b>Latino Females</b>	3	3%
<b>Latino Males</b>	4	4%
<b>White Females</b>	8	7.5%
<b>White Males</b>	23	21.5%
<b>Others (both genders)</b>	0	0%
<b>Total</b>	106	100%

**Citizen Complaints by District of Occurrence**

<b>District</b>	<b>Total</b>	<b>FY 98</b>	<b>District</b>	<b>Total</b>	<b>FY 98</b>
1 <sup>st</sup>	5	4	22nd	31	3
2 <sup>nd</sup>	10	4	23rd	11	2
3 <sup>rd</sup>	10	4	24th	19	4
4 <sup>th</sup>	17	4	25th	50	6
5 <sup>th</sup>	5	3	26th	16	1
6 <sup>th</sup>	33	11	35th	23	9
7 <sup>th</sup>	8	2	39th	26	11
8 <sup>th</sup>	14	3	90th	4	0
9 <sup>th</sup>	25	2	92nd	1	0
12 <sup>th</sup>	16	1	C.C.D	2	0
14 <sup>th</sup>	12	5	Homicide	1	0
15 <sup>th</sup>	35	4	HQ	1	0
16 <sup>th</sup>	4	0	HP	1	0
17 <sup>th</sup>	15	0	Out of City	1	0
18 <sup>th</sup>	28	12	Miscellaneous	10	6
19 <sup>th</sup>	21	0			

**VI. POLICE STRESS INITIATIVE**

During the fiscal year covered by this report, the Ad Hoc Committee on Stress in the Philadelphia Police Department continued its efforts to follow up on the progress of the Police Department in addressing conditions which contribute to stress among police officers. The Commission has concluded its monitoring of these issues and is in the process of preparing a final report.

**VII. COMMUNITY AWARENESS (OUTREACH)**

The public education component of the enabling Executive Order mandates that the Commission be responsible for informing the public concerning its duties, and that it develop and administer a continuing program of community education toward that end.

Fiscal year 1998 is the foundation upon which the Commission's outreach program will be built. During this year, staff, including investigators and Commission members, made appearances at various and numerous community events. In addition, legal counsel for the Commission made speeches at various legal forums regarding the Commission and its mission.

The next fiscal year, as well as calendar year 1999, will witness an expansion of the Commission's outreach effort. Spurred by the hiring of the new Executive Director, the Commission expects to become not only more visible, but more relevant on issues impacting on police-community relations.

During fiscal year 1999, the Commission also expects to establish a toll-free, hotline telephone number to facilitate access to the Commission's services. New and revised multi-lingual materials will also be available during 1999. The Commission further expects to issue more press releases, reports, and statistical data on relevant issues. Generally, the Commission expects during fiscal year 1999 to have a more visible media profile. Finally, the Commission hopes during fiscal year 1999 to provide accessibility to the agency's services through satellite offices to be established throughout the various communities of Philadelphia.

**VIII. COMMISSION MEMBERS**

<b><u>Name</u></b>		<b><u>Biographical Sketch</u></b>
W. Bruce Beaton (resigned effective April 1, 1998)	--	a resident of Northeast Philadelphia and the president of a Philadelphia-based insurance agency.
Irene Benedetti (resigned effective July 1, 1997)	--	a resident of South Philadelphia and affiliated with Temple University Institute for Survey Research. Ms. Benedetti serves on the Mayor's Commission on Sexual Minorities and on the Board of Directors of the Crime Victims Services of South Philadelphia.
Ronald A. Burton	--	an Overbrook resident and president of the Center for Social Welfare Concerns. Mr. Burton also serves on various boards of directors of Philadelphia based public interest organizations including the Philadelphia Please Touch Museum.