Annual Report
2005-2008

Police Advisory Commission

FOREWORD

This is the eleventh Annual Year Report issued by the Police Advisory Commission since the commencement of operations in 1994. This report covers January 1, 2005 to December 31, 2008, and will begin the Commission's change from fiscal to calendar year annual reports. We welcome inquiries and comments concerning the contents of this report.

The Commission can be reached by calling 215-685-0891; its mailing address is P.O. Box 147, Philadelphia, PA 19105-0147; email to the Commission can be sent to **police.advisory@gmail.com.** The Commission's activities, meeting notices and other important information related to police oversight are available on Twitter, http://twitter.com/policeadvisory

Complaint forms, copies of opinions, reports and other information are available on the Commission website, http://www.phila.gov/pac**.** The Commission thanks both the Philadelphia Police department and the citizens of Philadelphia for their continuing interest and support. The Commission would like to extend a special thanks to Philadelphia Community College and its Justice Advisory Board for their assistance in producing this report.

MISSION STATEMENT

The Police Advisory Commission is the official civilian oversight agency of the City of Philadelphia for the Philadelphia Police Department. The general mission of the Commission is to improve the relationship between the police department and the community. The Commission, in its diversity of composition and in its functioning, is intended to represent the external viewpoint of the Philadelphia citizenry.

To fulfill its mission, the Commission will meet with various community organizations and representatives for the purpose of gauging police services to a particular community. It is also authorized to conduct independent investigations of individual citizen complaints of police misconduct, and/or studies of police department policies, procedures or practices. Findings and recommendations made by the Commission are forwarded directly to the Mayor, the City Managing Director and the Police Commissioner for their review and appropriate action.

TABLE OF CONTENTS

I. Chair's Address

II. Overview …… Page 6

III. Year in Review …… Page 7

A. Previous Years Complaint filings (2005-2008) …… Page 7

B. Complaints:

1. Complaints: General Procedures and Process …… Page 8
2. Filings and Jurisdiction ……. Page 11
3. Complainant Statistics and Interviews of Police …… Page 15
4. Investigations ……..Page 19
5. Settlement of Law Suits 2005-2008 (Police misconduct) ……Page 20
6. Lost and Stolen Weapons ……Page 21

IV. Hearings and Findings: ……Page 23

A. Hearings: Nizah Morris, Grupo Fuego

1. Nizah Morris
2. Grupo Fuego …… Page 24

B. A New Commissioner …… Page 26

V. New initiatives: Cooperative Agendas (Police and Commission) ……. Page 27

A. Officer Training:

1. LEP …… Page 28
2. CIT
3. Bulletins ……Page 29
4. NACOLE ……Page 30
5. Mediation

VI. Commission Study: …… Page 31

A. Police District Surveys (Parameters)
B. Conducting the Survey …… Page 33

VII. Community Outreach and Education …… Page 34

A. Commission Meetings:

1. Outreach ……Page 35
2. Education ……Page 37

B. Locations: Meetings and Workshops: Congreso / PAC

C. Website ……Page 39

VIII. Our New Commissioners ……Page 40

1. Commissioners
2. New member selections ……Page 42

IX. The Process to Obtain Appointments ……Page 45

1. **Letter to the Mayor** ……Page 46
2. **Efforts to get Appointments** ……Page 47
3. **Names of Appointees (dates)** ……Page 48
4. **Tribute to out going Commissioners** ……Page 49

X. Budget and Personnel:

1. **Budget** ……Page 54
2. **Reorganization and Appointment of New Executive Director and Staff** ……Page 55
3. **Tribute to Hector W. Soto** ……Page 59
4. **Legal Counsel** ……Page 60

XI. Performance Management and Measurements: ……Page 62

A. What Makes Civilian Oversight Effective?

B. Performance Measurements and Management

XII. PPD Progress Report: ……Page 67

1. Engaging the Community
2. Employing Technology
3. Best Practices

XIII. Summary and Closure ……Page 68

XIV. Appendix ……Page 69

- 2008 Complaint Map ……Pages 69-72
- Complaints By District 2008 Map
- 2007 Police Shootings Map
- US Police Oversight Agencies
- All Citizen Complaints filed with the PPD 2005-2006

I. Chair's Address

My Fellow Philadelphians:

Executive Order Police 8-93 requires the Police Advisory Commission (the Commission) to produce an annual report chronicling its activities and progress in fulfilling its mission -- consistently improving police-community relations. While continuing budgetary concerns and dwindling resources have severely hampered the Commission's ability to report on its activities, we are excited to publish this report detailing the Commission's activities from 2005-2008. Beginning with our 2009 Annual Report, the Commission will provide more detailed and timely summaries of complaints, officer-involved shootings, commendations and other incidents, through monthly reports that will be available on the Commission's website.

With the release of this report, the Commission is taking a new direction to more accurately reflect not only the changes in the operations of the Commission, but also to begin to reflect the spirit of cooperation between the Police Department (the department) and the Police Advisory Commission.

As a regular feature, these reports will not only include annual amounts of city settlements spent on law suits stemming from police misconduct, but will also asses what steps the department has taken to improve its internal operations.

Another new feature, **the PPD News**, will report on officer commendations and other positive achievements and initiatives instituted by the department, along with relevant recommendations made by the Commission.

As for the Commission's operations, we will continue to report on achievements, while endeavoring to give citizens a clearer picture concerning complaint statistics and what they actually mean in reference to police misconduct. This report will endeavor to analyze and evaluate how complaint statistics relate to policing in the various communities in Philadelphia.

Furthermore, this report will discuss Commission initiatives in neighborhoods and police districts through meetings, educational workshops, programs for people with mental health issues and the development of the new language access directive as well as our shared agendas with police, including citizens' informational bulletins, all of which are designed to provide the Police department greater transparency.

Critical to its continued success is the Commission's permanent agency plan that still must be introduced in City Council. It is the Commission's desire to remain a permanent alternative to members of the community when dealing with issues of police abuse and

misconduct. The Commission's permanency is critical to police accountability, integrity and trust within the various communities of Philadelphia. Making the Commission a permanent agency under the city charter will insure that the citizens continue to have a voice in matters related to Policing. By listening to community input and then coupling that data with law enforcement expertise, the Commission can fulfill its mission to help create a safer Philadelphia, while improving the relationship between the Police Department and the communities that it serves.

Sincerely,

Robert S. Nix
Chair

II. Overview

The concept of police accountability is grounded in the principles of formal governmental "checks and balances," and tied to the Constitution's Fourth Amendment protection against unreasonable searches and seizures. By establishing the civilian review agencies, in addition to the various special-issue ad-hoc commissions, Philadelphia's civic leadership recognized the need to create a neutral forum for citizens to register their complaints and accept the outcomes of the investigations. Civilian review emphasizes that police like other government agencies are accountable to the citizenry and that mutual respect and cooperation are essential to the success of law enforcement efforts.

Over the past several years, the Commission has engaged simultaneously in the re-engineering of its infrastructure to improve technology and technological abilities, while streamlining operating procedures and shifting objectives. Both processes have improved the Commission's existing operational efficiency and effectiveness, with no additional resources. Its re-focus has put greater emphasis on the mission of improving Police-Community relations, which has in turn, enhanced the Commission's ability to serve the citizenry and police of Philadelphia.

The Commission received 746 complaints from 2005 to 2008 (05-08). This represents a 6.1% increase in the number of complaints filed when compared with the previous 4 years (701, 01-04) (67.5% acceptance). While the total numbers of shootings of both Police and Civilians have increased, departmental initiatives as well as the Commission's program of community engagement, underscore the need to better disseminate information, while working to expedite the investigation of these incidents. A closer study of the complaint process revealed that of all complaints filed against Police during this period (including non-jurisdictional), only about 36% (approximately 907) could have been accepted by the Commission because of its own limited jurisdiction. By the end of 2008, the Commission had received almost 2300 complaints, and had conducted hundreds of investigations, since it began full operations in mid-1994. The re-engineering of the Commission's complaint processes has also refined the mechanisms to more accurately identify allegations of police misconduct, or actions taken by officers that violated departmental directives and procedures. Conversely, police corruption, mistakes in judgment or identity, and community misunderstandings were identified and funneled into a more appropriate forum.

III. Year in Review

The Commission received 280 complaints in 2008 (08). This represents a 128% increase in the number of complaints filed as compared to the previous year.
This number is also a reflection of the police department's relatively stable complaint numbers, (2005, 728) (2006, 676) (2007, 680) (2008, 697). A closer study of the complaint process revealed that of all complaints filed against Police during this time (including non-jurisdictional), increased slightly to about 697 (approximately 2.4%) over last years filings of 680 complaints. Of that number, about 40% or 280 were filed with the Commission. While the total number of complaints received by the Commission has increased, departmental initiatives as well as the Commission's program of community engagement reflect the attitude that the public feels more empowered to file complaints with both agencies. Other factors believed to have contributed to the increase include greater public awareness concerning police misconduct, more available channels to file grievances, as well as the Commission's tireless efforts to educate the public by holding its monthly meeting in various communities, in the Philadelphia area.

Of the 280 complaints filed in 2008; the Commission accepted 143 for investigation, 49 were rejected, 25 did not meet the administrative requirements, 56 were accepted audit cases, 3 were over 180 days, 2 were withdrawn, and 2 were non-jurisdictional complaints. In total, seventy-two percent (72%) of all complaints filed were accepted for investigation.

At the start of January 2008, there were 126 open investigations which were of complaints filed during 2004 (6) 2005 (21) and 2006 (43) 2007 (56) investigations respectively. Of that number, 99 were active investigations; 11 others were open, but no longer active and 16 were awaiting closure. A total of 110 investigations were closed.

Beginning in the 2nd quarter of 2008 (April-December), the Commission began calculating the number of complaints filed as a result of the Police Department's Stop and Frisk initiative designed to remove illegal guns from the community. Of the 697 total complaints filed in 2008, the Commission calculated that there were approximately 120 complaints directly related to Stop and Frisk initiative.

A. Previous Years Complaint filings

In 2007, there were 122 complaints filed with the Commission, Sixty-one of which were accepted for investigation; Eighteen were accepted audit cases; Thirty-three were rejected; Ten did not meet the administrative requirements included in those rejected. Three were over 180 days old. Two were non-jurisdictional complaints. In total, sixty-five percent (65%) of all complaints filed during 2007 were accepted for investigation.

Starting in January 2007, there were 168 open investigations of complaints filed during 2004 (27); 2005 (35) and 2006 (78) investigations respectively. 125 were active investigations; Twenty-eight others were open, but no longer active and fifteen were awaiting closure. A total of 121 investigations were closed.

In 2006, there were 211 complaints filed with the Commission, 106 of which were accepted for investigation. Thirty were accepted audit cases. Fifty-three were rejected. Twenty-nine did not meet the administrative requirements. Included in those rejected were seven over 180 days, one that was withdrawn, one was closed for lack of cooperation and six were non-jurisdictional complaints. In total, about sixty-five percent (65.4%) of all complaints filed during 2006 were accepted for Investigation.

At the start of January 2006, there were 128 open investigations that were of complaints filed during 2003, (20), 2004 (57) and 2005 (46) investigations respectively. 113 were active investigations; Five others were open, but no longer active, and ten were awaiting closure. A total of ninety-eight investigations were closed.

In 2005, there were 133 complaints filed with the Commission fifty-six of which were accepted for Investigation, Thirty-two were accepted audit cases. Thirty-five were rejected. Ten did not meet the administrative requirements included in those rejected. Three were over 180 days. One was a non-jurisdictional complaint. A total of ninety investigations were closed in 2005. In total, about sixty-six percent (66.1%) of all complaints filed during 2005 were accepted for investigation.

At the start of January 2005, the Commission had 130 open investigations which were of complaints filed during 2003 and 2004: (43) and (87) investigations respectively. Of that number, ninety-five were active investigations; Twenty-five others were open, but no longer active and ten were awaiting closure.

1. Complaints: General Procedures and Process

The jurisdiction of the Commission extends only to Philadelphia Police Department personnel. That jurisdiction is further limited to complaints alleging a primary allegation of physical abuse, (the use of excessive or unnecessary force) Abuse of authority, (most often illegal searches, seizures and detainments) and verbal abuse (comments of the kind that involve the denigration of a civilian because of his/her race, ethnicity, national origin, skin color, sex, gender, gender preference, physical or mental status) are also within the Commission's jurisdiction. Complaints within the Commission's jurisdiction are formally known as Civilian Complaints Against Police, or CAPS. A CAP, or more precisely the processing of CAPS, is the subject of the Commission's enabling act, Executive Order 8-93, enacted in 1993 by then Mayor Hon. Edward Rendell. CAPS are also the focal point of Executive Order 9-93, enacted by Mayor Rendell contemporaneously with the Commission's Executive Order. Executive Order 9-93 established guidelines and procedures for the handling of CAPS by the Police Department's Internal Affairs Division (IAD).

IAD has concurrent jurisdiction with the Commission concerning CAPS. Complainants can file a CAP with either agency. However, upon filing with the Commission, each complainant is routinely made aware of IAD and its overlapping jurisdiction, and is given the option of having his/her complaint forwarded to IAD for its review and analysis. Referral to IAD is only upon written authorization by the complainant; on the other hand, filing initially with IAD does not usually lead to a referral to the Commission. In fact, the Commission may never become aware of the complaint in a timely manner as IAD is neither required to inform, nor readily informs complainants about the availability of the Commission's alternative process. As such, civilians, who instead of going to IAD go to a district or other police facility to file a complaint, will

occasionally be informed about the availability of the Commission's process.

IAD usually conducts a parallel investigation for each complaint accepted by the Commission for investigation. The initiation of a parallel investigation is the rule rather than the exception for complaints referred by the Commission. The converse is also the rule rather than the exception: IAD does not routinely initiate an investigation on a citizen's complaint that has not been accepted by the Commission for investigation. Unfortunately, this is true even when the subject matter of the complaint is not within the jurisdiction of the Commission, but squarely within the jurisdiction of IAD, for example, when the primary allegation is a lack of service. Additionally, complaints falling outside the jurisdiction of either agency, for example, a complaint alleging misconduct by a non-Philadelphia police officer, after intake, may be referred to the appropriate outside agency, or during intake redirected to the complainant with information concerning the appropriate agency to handle their concern.

As part of the intake process, complaints filed with the Commission are reviewed by the Commission's Chief Investigator for subject-matter jurisdiction as well as for compliance with the administrative prerequisites for the filing of a complaint. The Chief Investigator can accept the complaint, recommend its referral to IAD or an outside agency, or make an initial determination of no-acceptance. Regardless of the Chief Investigator's determination, within seven days of a complaint's filing, the Commission, pursuant to a requirement of the Executive Order, sends to the complainant a letter acknowledging the filing of the complaint. However, the acknowledgement of filing is not a notice of acceptance for investigation.

Formal acceptance of a complaint for investigation depends not only on the Commission's having jurisdiction, but also on the complainant's compliance with the administrative filing requirements. Complaints lacking an administrative prerequisite, for example, the notarization of the complaint (a service provided free of charge by the Commission upon presentation by the complainant of suitable identification), are held in abeyance for 30 days upon written notification to the complainant. Failure of the complainant to rectify the problem within the 30-day term results in the administrative closing of the complaint; the complaint is subject to reopening if the complainant eventually completes the administrative process.

The Commission's Investigatory Review Committee (IRC), composed of four Commission members who may not sit as members of the fact-finding hearings, must review and endorse the Chief Investigator's initial determination not to accept a complaint for investigation, or subsequently close administratively a case for failure of the complainant to comply with the filing requirements. A matter can only officially be closed after the IRC's review and approval.

The complainant is then mailed an official notification of the administrative closing, and if appropriate, of the complaint's referral to IAD. The Chief Investigator presents all complaints initially not accepted for investigation to the IRC for its review and approval within thirty days of filing. Complaints lacking an administrative requirement are submitted for review within sixty days.

As a part of the technological upgrade, each complaint is simultaneously entered into the Commission's complaint database along with all existing evidence, including interviews, medical records, police reports, arrest reports, hearing dates, audio

recordings, video recordings, news articles, etc. This information becomes part of the electronic file and enhances the Commission's ability to review and retrieve pertinent data for analysis.

The Commission may determine, after an initial complaint filing, to accept a complaint for either a full investigation or audit (reserved for complaints with minor allegations forwarded to IAD for investigation and the final report reviewed by the Commission), rejected or otherwise administratively closed post-intake as a result of the complainant's failing to comply with the Commission's administrative filing requirements. The Commission sends written notification to a complainant of acceptance of his/her complaint for investigation, or of its rejection within 10 days of the Chief Investigator's decision, or of the IRC's endorsement of the Chief Investigator's decision respectively. If appropriate, the complainant is also notified of the complaint's referral to IAD.

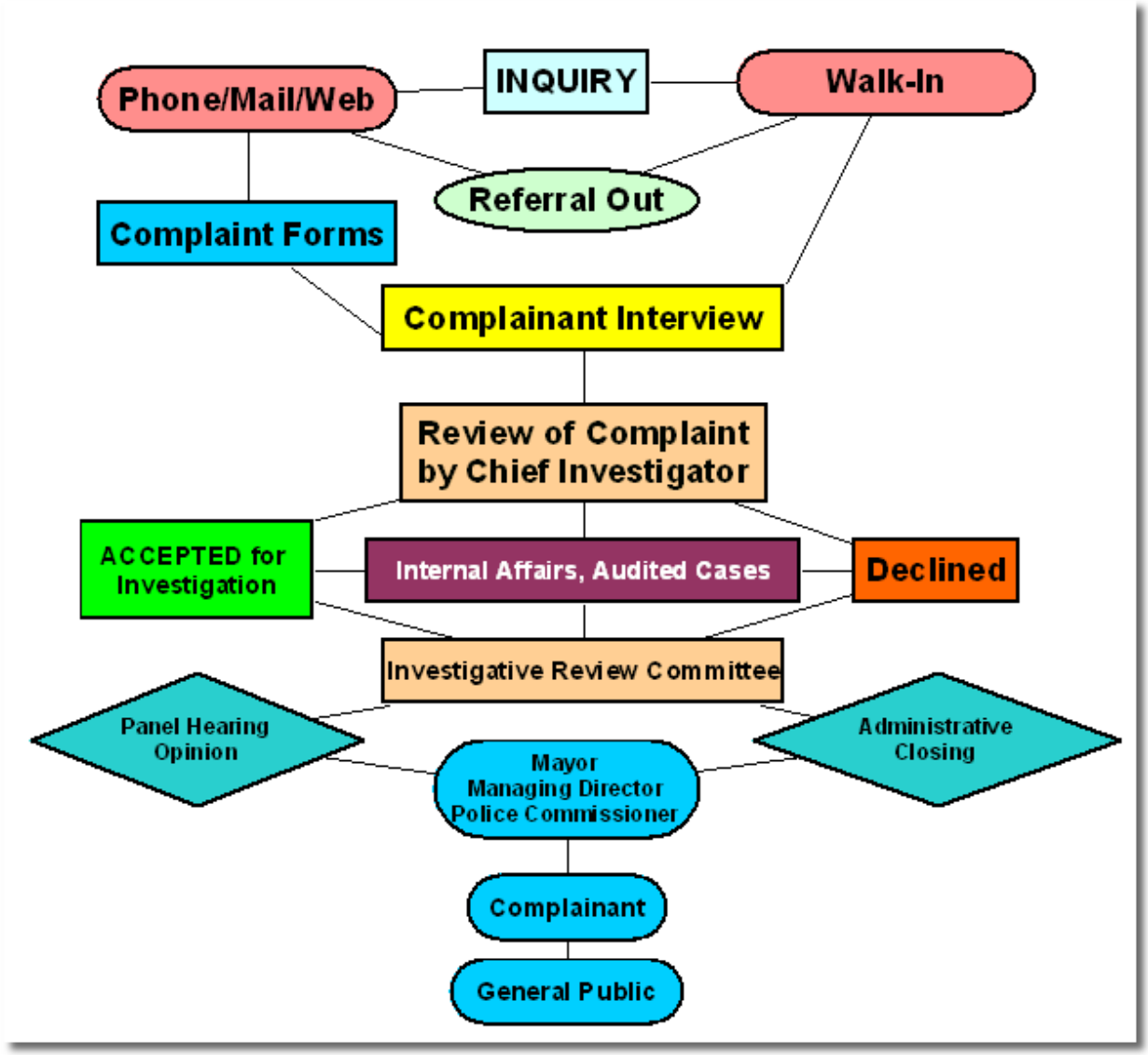
The IRC also has a second vital function in relation to filed complaints. The Committee is responsible for reviewing all completed field investigations and, upon consultation with the Chief Investigator, decides whether or not the Commission will conduct a fact-finding hearing, commonly referred to as a Panel Hearing because it is conducted by a panel of Commission members (usually no fewer than three members), as the final step of a complaint's investigation. Completed field investigations undergo review for completeness, accuracy and legal sufficiency. If, upon review, the IRC determines that an investigation does not warrant a hearing, the investigation will be administratively closed, and a notification letter sent to the complainant within ten (10) days of that decision. Similarly, if the IRC decides that a panel hearing should be conducted, the complainant will also be notified in writing within ten (10) days of the decision. The IRC meets monthly to review completed investigations, 180-day filings and rejected complaints.

Pursuant to a new policy adopted by the Commission early during fiscal year 2003, the IRC is authorized administratively to close a case after the conclusion of the field investigation. If, a preponderance of the evidence, disclosed by the field investigation clearly supports a determination that certain acts or omissions of the target police officers were excusable or justified (exoneration) that matter can be closed.
Other circumstances authorized for closure involve allegations as stated by the complainant did not occur (unfounded); or if the Police Department had already made findings and/or disciplinary recommendations as part of its related or other investigation on the complaint that concur with the findings and/or recommendations of the Commission's field investigation (concurrence). The Mayor, the Police Commissioner and the City Managing Director are notified by mail of all substantive administrative closings.

The Commission continues to research and consider other alternative methods including the creation of a mediation program for informal resolution of complaints. The Commission's utilization of the current system for reaching final disposition on a complaint, namely, field investigation followed by a panel hearing and where necessary the issuance of an opinion has contributed to a fair, transparent and impartial resolution of complaint allegations. The Commission has continued to improve its process for the formulation of its opinions by shifting the responsibility for the production of the opinion to legal counsel, who, in turn, receives recommendations and feedback from the panel that received the testimony. The final draft opinion is reviewed and ratified by the entire

Commission at its first executive session meeting.

The following diagram describes the inquiry/complaint process from intake through disposition and post-disposition distribution:



The changes to its focus and operating procedures by the Commission have contributed to making the Commission's investigations more timely, as well as reducing the total number of open investigations.

2. Filings and Jurisdiction

2008 was a record-setting year for the number of complaint filings with the Commission, having received 280 complaints. At the end of January 2009, the Commission had 217 open investigations 4.7% of which were of complaints filed during 2005 (0) and 2006, (10) respectively. Of the 122 complaints filed during 2007, thirty-six (36) investigations remained open. In addition, 183 or about sixty five percent (65%) of the 201 accepted cases filed during 2008 remained open, and eighteen of the 201 investigations were closed. Of the Commissions total

number (217) of open investigations at the close of 2008, twenty-six or about 12% were deemed to be inactive and pending closure. A total of 2425 complaints have been filed with the Commission since the inauguration of operations in mid-1994.

The Commission's streamlining of complaint procedures has contributed to making investigations more timely, as well as reducing the total number of open investigations. Another proposed amendment would limit Commission complaint investigations to no more than 12 months' duration from the time of filing through the time of submission of an opinion (if appropriate) to the Mayor, City Managing Director and Police Commissioner. The Commission believes this change will address timeliness concerns of complainants and target police officers, and allow the Police Commissioner to make better use of the Commission's findings and recommendations.

Of the complaints accepted for investigation by the Commission during the year, complaints alleging "abuse of authority" as the primary allegation continued to be the most prevalent complaint. An abuse of authority complaint is one that alleges that the target police officer through his/her act or omission exceeded the authority granted under law or regulation. Abuse of authority complaints include, but are not limited to complaints of improper searches, unlawful detention or confinements (arrest), improper seizure of property, and discriminatory or selective law enforcement including biased based policing. Abuse of authority has been the most prevalent complaint since 1995. The Abuse of Authority complaint encompasses the broadest categories (most often illegal stops, searches, seizures and detainments) for accepting allegations of misconduct and can cover a wide range of abuses. Abuse of authority complaints were 81.2 % of all complaints accepted by the Commission for investigation and continue to be the most prevalent complaint filed with the Commission.

Complaints alleging "physical abuse," that is, complaints having a primary allegation of the use of unreasonable force, defined as unnecessary or excessive force, by a police officer against a civilian accounted for eighty-seven (08) or 31.1 % of the complaints accepted by the Commission. Physical abuse complaint numbered thirty-five (07) and seventy-one (06) in the two previous years. Physical abuse complaints continued to be the second most prevalent complaint filed with the Commission, a ranking they have held since 1995. The number of physical abuse complaints continued a trend evident during the last few years, the complaints filed during the year represent both the highest actual number of physical abuse complaints ever filed with the Commission and the largest percentage share of physical abuse complaints for a year ever recorded by the Commission. This increase coincides with changes initiated by the Police Department concerning the implementation of several initiatives including "Stop and Frisk," a tactic designed to remove illegal guns from the streets. While these statistics raise concern, in the absence of further study, no definitive conclusions can be drawn regarding any possible relationship between the Police Department's changes and the increase in the number of "physical abuse" complaints filed with the Commission.

Overall, some reasons for the relatively high number of complaints filed with the

Commission since January 2008 can be directly correlated with the Commission's ongoing community education program as well as the new administrations focus on transparency, accountability and customer service. Other contributing factors are believed to be: 1) more knowledge and sensitivity on the part of the public regarding the issue of police misconduct. 2) Better understanding about, and accessibility to the Commission by the public. 3) The inaccessibility of IAD's central office located in the far Northeast and 4) the proliferation of publicity generated by court proceedings of alleged police misconduct in and outside of Philadelphia along with the publicized number of officer involved shootings of civilians.

Complaints alleging "verbal abuse," that is, complaints stating as a primary allegation offensive language by a police officer in denigration of a person's race, skin color, ethnicity, national origin, sex, gender, gender preference, sexual orientation, disability or religion have traditionally been the smallest percentage of complaints filed with the Commission. In this 2008, verbal abuse complaints comprised only 1.8 % or just six (6) of the accepted complaints. The continuing low number of verbal abuse complaints filings is possibly being impacted by the Commission's extremely concise jurisdiction in this area. Language or comments must in some manner denigrate the individual and does not directly imply the use of profanity. In addition, the Police Department can accept this as well the traditional verbal abuse complaints of rudeness, discourtesy or the use of profanity. The latter types of verbal abuse complaints are beyond the Commission's jurisdiction as are complaints alleging lack of service as the primary allegation.

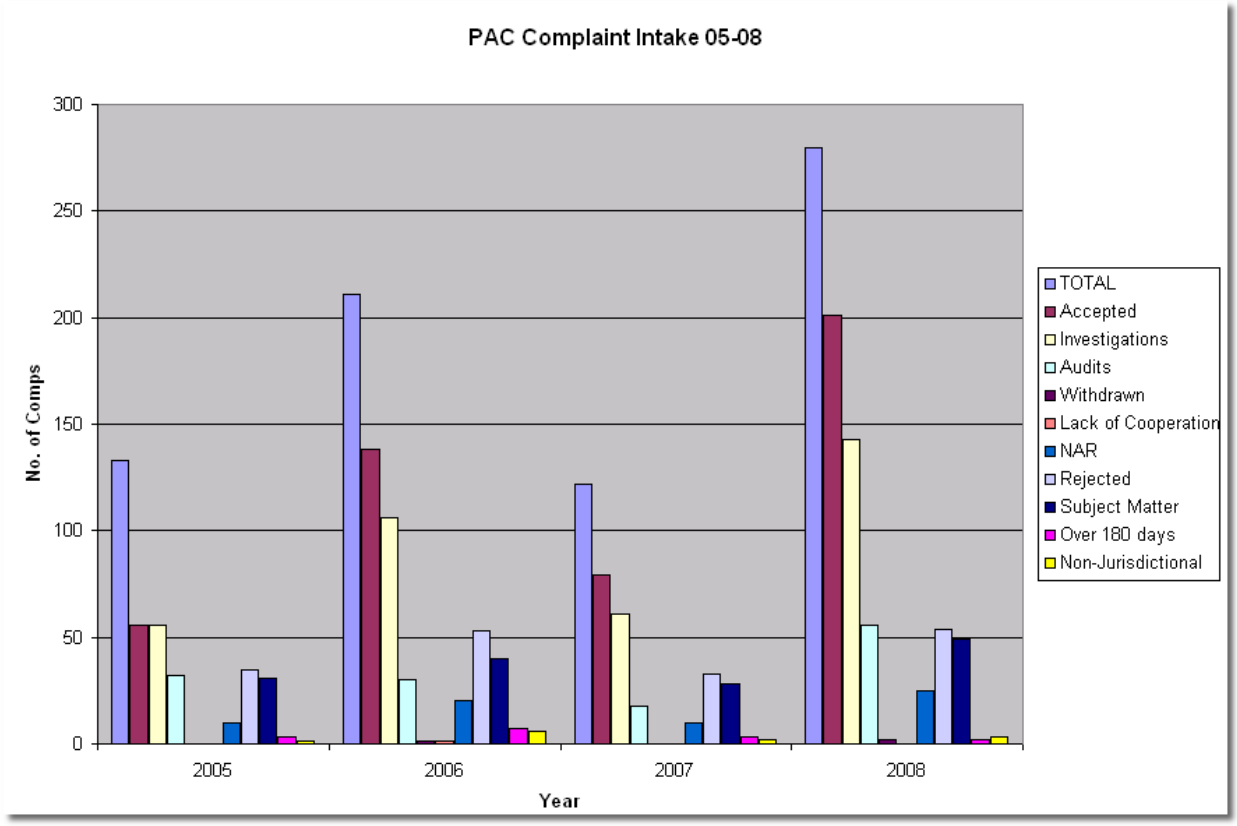
Lack of service is the failure of the police, either as an organization, or through the acts or omissions of individual officers, to provide adequate or proper public safety service. For example, it is failure of the police to provide medical assistance for an individual who is clearly injured and has asked police for assistance. Complaints with allegations of criminal activity or corruption (theft, bribes, gratuities, cover-ups, etc.) are also outside of the Commission's jurisdiction. Corruption or criminal activity complaints may be initially processed at intake by the Commission, but then are referred to IAD and the District Attorney's (DA) office for their review and appropriation action. As necessary depending on the nature and seriousness of the complaint allegations, the referral to IAD or the DA's office may be done in a confidential and/or expedited manner.

Finally, complaints of any type involving police officers or law enforcement personnel other than Philadelphia police officers; for example, SEPTA, Housing or AMTRAK police officers are not within the Commission's jurisdiction. At intake, these complaints are referred to the proper police department or oversight agency for review and appropriate action, or the complainant is directed to the proper agency.

The Commission also has a jurisdictional 180-day filing limit. Complaints concerning incidents that occurred more than 180 days prior to the time of filing with the Commission, regardless of whether or not the allegations fall within the subject-matter jurisdiction of the Commission, are not accepted for investigation. The Commission established the180-day requirement at the initiation of operations in 1994 to avoid being deluged by antiquated complaints. The

requirement is not mandated by the Commission's Executive Order, and this rule may be set aside, under certain circumstances.

Complaints of incidents more than 180 days old are routinely referred to IAD for its review and analysis, as IAD does not have the 180-day limit for the filing of a complaint. The Commission, however, does recognize two limited exceptions to its 180-day regulation: 1) complaints filed with IAD (or some other bona fide City of Philadelphia agency or official) before the expiration of the Commission's 180-day statute of limitations, and then filed with the Commission after the 180 days may be reviewed by IRC, and upon its approval, accepted for investigation. 2) The Commission, under the authority granted by its Executive Order, Section 4(b), reserves the right and retains the full discretionary authority, as exercised by the IRC, to study any specific individual incident regardless of its date of occurrence.



The complaints accepted by the Commission for investigation were 72% of complaints filed with the agency. The accepted complaints had a total of 283 primary and secondary allegations. Ninety-two complaints had two or more allegations that required investigation. Complaints not accepted for investigation were 19.2 % of all filed complaints. Although none of the unaccepted complaints resulted in a field investigation by the Commission, each complaint did require Commission personnel to conduct at least one full interview, prepare written documentation and/or a referral letter, and expend considerable administrative processing time.

Commission personnel regularly expend efforts on behalf of the citizens of Philadelphia regardless as to whether or not their complaint is jurisdictional. Typical requests include: assisting in the locating of family members arrested by Police, referring individuals with property damage claims to the City's claim process, assisting crime victims in

receiving proper service from local Police districts and explaining the priority 911 call systems or obtaining accurate information for relatives of arrest or shooting victims.

During these years, Commission staff also continued to field a daily average of ten-fifteen (10-15) telephone, walk-in or web inquiries from members of the public concerning non-Commission matters (most were inquiries regarding police department questions or issues). Some of these inquiries, depending on either the nature or seriousness, for example, threats to individuals, required follow-up and written documentation. For the most part, however, inquiries of this type were individually screened, and the individual immediately referred to the Police Department or other appropriate agency.

The complaints filed with the Commission during the year 2008 represent approximately 128 % increase of the total number of CAPS filed by members of the public with either the Commission or the Police Department. In 2008, members of the public filed 697 CAPS of which approximately 40% filed were with the Commission. During the previous years, 122 and 211 complaints or approximately 18% and 31.3% of all CAPS filed were with the Commission.

The result of further study by the Commission determined that during Calendar 2008, only 36% of all complaints filed against police were jurisdictional for the Commission, and that number would be reduced by the number actually qualifying for acceptance and investigation.

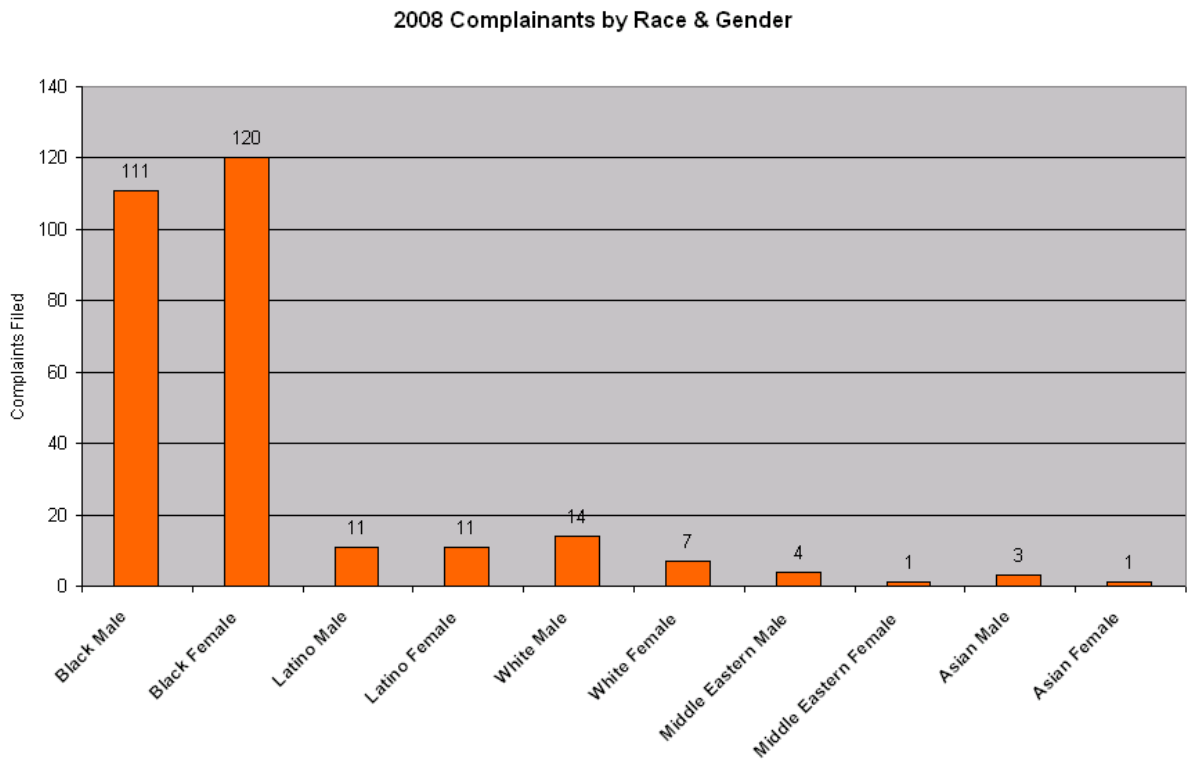
3. Complainant Statistics and Interviews of Police

The 280 complaints filed with the Commission during 2008 represent a total of 283 complainants. Historically, African-Americans have been 81.0% of all Commission complainants. In 2008, African-Americans filed 231 or approximately 82.5% of the total number of complainants.

Latinos filed twenty-two complaints and were approximately 7.8% of the total complainant pool; by comparison, they were 8% or ten of the complainants, whose complaints were accepted during 2007. Historically, Latinos have been approximately 8% of all Commission complainants.

Complaints by non-Latino whites were approximately 7.5% or twenty-one complaints.

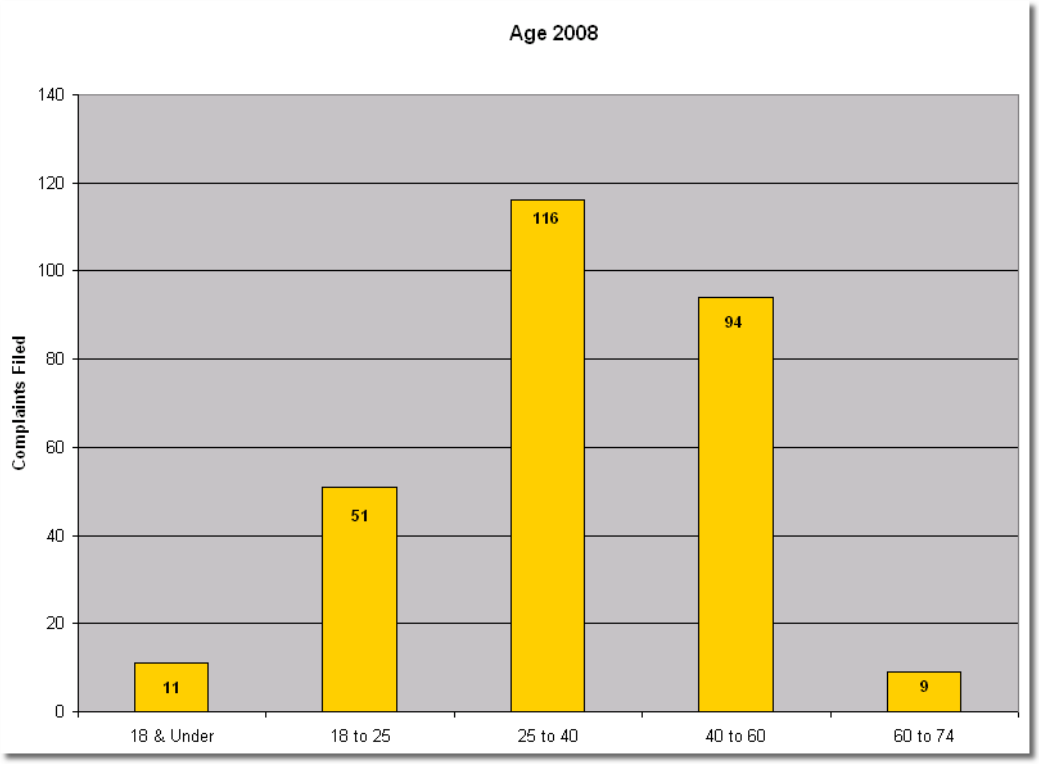
Historically, non-Latino whites have comprised 6% of the total complainant pool. Asian complainants accounted for only four complaints, or about 1.43% of all 08 complainants. Historically, Asians and others have accounted for less than 2% of the complainant pool. However, in 2008, Asians and all others accounted for nine complaints or about 3.3% of the complainant pool.



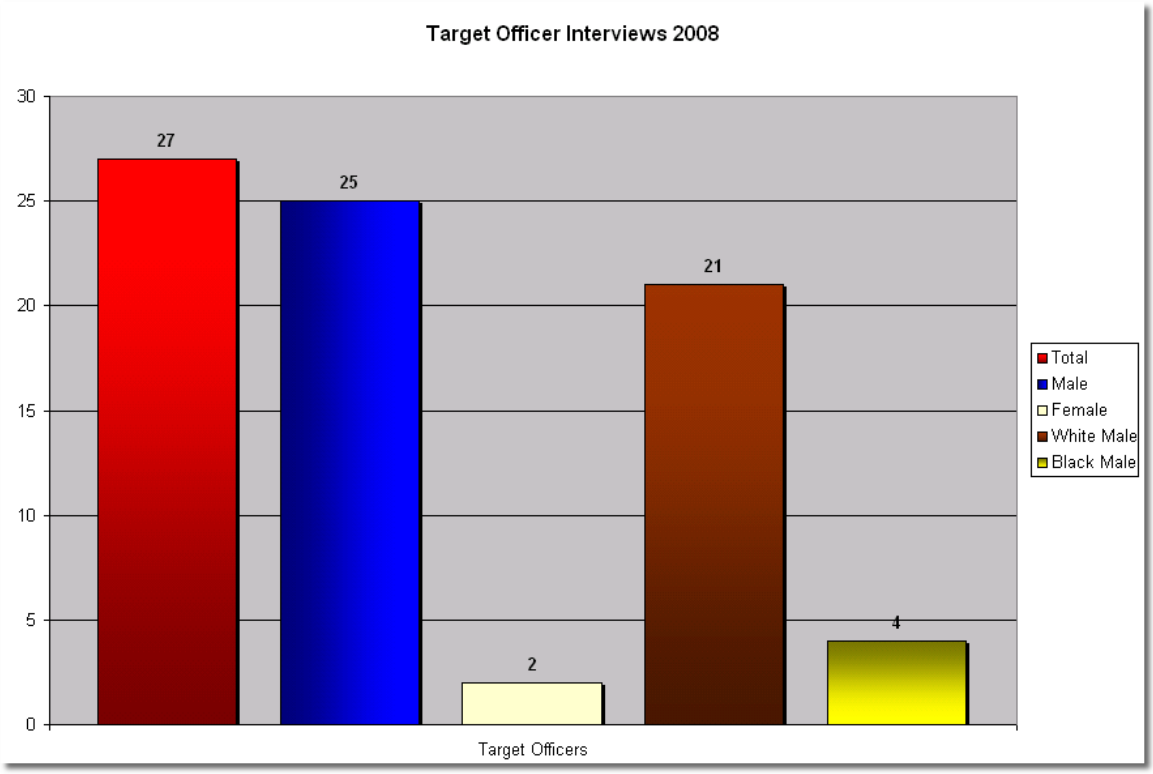
Males were 143 or 51% of accepted complainants during the year; African-American male complainants (111), Latino complainants, (11), non-Latino white complainants (14), and (3) Asian male complainants. Females were 49% or 140 of all complainants accepted within this group. African-American females were 120 of the complainants and 52% of all African American complainants.

There were eleven Latina complainants who represented 50% of all Latino complainants. Non-Latino white female complainants at (7) were also fifty percent of non-Latino white complainants. One Asian female filed a complaint, three Arab or Middle Eastern males and one female filed and one Pakistani male filed with the Commission during the past year.

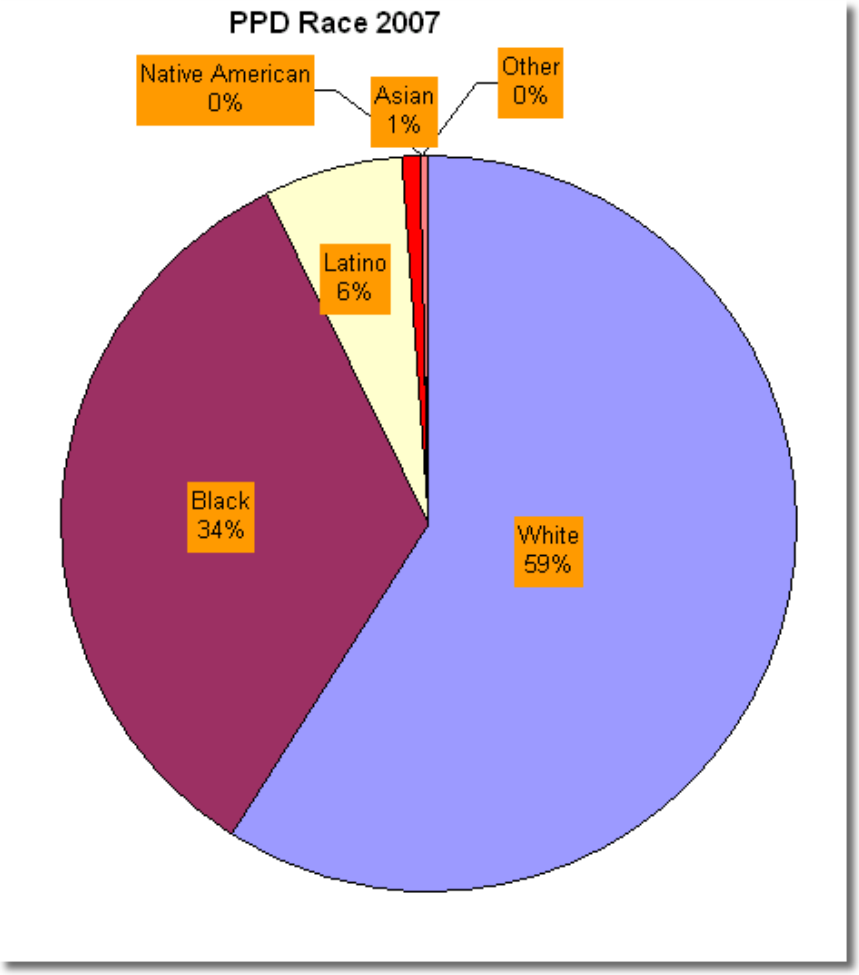
The age of complainants during the fiscal year ranged from thirteen to sixty-nine. There were six complainants under the age of eighteen, and five over the age of sixty-five. The average age was thirty-four years; the median age was thirty years. [See Chart on the following page.]



Commission investigators interviewed 127 police officers during the year as part of their investigations. Of these, twenty-seven were target officers, that is, officers who were the subject of a complaint allegation. The other 100 officers were witness or peripheral officers. Complaint target officers were mostly males, twenty-five or 93%, and mostly non-Latino whites, twenty-one (21) or 78%. African-American target officers numbered four (4) or approximately 15%. All other target officers were 7%, while 2 Latino target officers (1 male, 1 female) were numbered. No Asian or other officers were identified as target officers during 2008. [See Chart on the following page.]



The composition of the Philadelphia Police Department during 2007 was approximately 59% white (4127: up 42 from last year). The remaining breakdown: 34% African-American (2391: up 3), 6% Latino (413: up 14), >1% Asian (59), >1% Native American (10), and >1% other (18) [Asian, Native American and other: up 10 combined] [See Chart on the following page.]



The Department was approximately **76% male** and **24% female** *(Note: Philadelphia has the largest percentage of women officers when compared to other large U.S. departments)*[1]. The reported population of Philadelphia was 1,448,394 with an estimated 45% non-Latino white population, a 43% African-American population, an 8% Latino population, and a 4% Asian/Other population[2]

4. Investigations

At the end of 2008, the Commission had 217 open and active investigations. Since the start of the start 2008, open investigations increased from 168 to 217, a 29.2% increase; this is consistent with the 128% increase in the number of complaints filed during the year. This can be attributed in part to the meager resources and size of the Commission's investigative staff, which is no longer able to expeditiously address the growing number of cases. As a result, cases remain open longer and result in ever-increasing investigator caseloads, which in turn contribute to further delays.

The Commission's two Special Investigators during 2008 had an average caseload of 95 investigations. This included the Chief Investigator's carrying an

[1] Law Enforcement Management & Administrative Statistics Survey, US Dept of Justice, 2000
[2] U.S. Census Bureau, 2000

active caseload, while focusing on the management and closure of cases. IAD investigators handling similar civilian complaints average only twenty to twenty-five open investigations at any time during the year. Commission investigations averaged 11 months during 2008 as compared to seven (7) months during FY2004. The Commission caseload continues to grow as more and more citizens are filing complaints with the Commission. As this increase continues, the Commission has endeavored to strengthen its internal components to handle complaints. However, without the infusion of additional resources, which looks unlikely given the City's current financial situation, the quality and quantity of Commission investigations may soon be negatively affected. Even with the adoption of summary disposition of cases, coupled with the auditing mechanism, these enhancements may soon prove ineffective in lessening the burden of growing caseloads. While this has helped address the growing case backlog, if the percentage of complaints filed with the Commission continues steady, or again starts to rise, the Commission will not be able to adequately handle the number of complaints investigations filed by the public.

Commission investigators, as part of their investigations during the year, interviewed 283 complainants and 127 target and peripheral officers. The statistical breakdown of the officers interviewed was: White males sixty-three, Black males thirty-four, White females ten, Black Females eight, Latino Males six, Latina Females six. This is the first year posting this statistic. Several more years of empirical data collection and assessment are required to reach any conclusions about these interview breakdowns. Future data collection will attempt to correlate these statistics with any emerging racial strife. Several large scale studies are underway in various cities to determine the effects of race on policing. Philadelphia has had its concerns over biased based Policing and should benefit from the results of these studies. Commission investigators during the year monitored numerous criminal and civil judicial proceedings involving either complainants or target officers as part of their investigations.

5. Settlement of Law Suits related to police misconduct 2004-2008

The City of Philadelphia spent **$21.8 million** on legal settlements related to police misconduct between 2004 and 2008, according to the Law Department.

PPD Settlements 2004-2008						
	2004	2005	2006	2007	2008	TOTAL
Assault/Battery	$424,760.00	$371,500.00	$622,500.00	$2,807,534.19	$1,281,330.00	**$5,507,624.19**
Civil Rights/Other	$217,500.00	$40,000.00	$29,000.00	$180,000.00	$676,000.00	**$1,142,500.00**
Death	$0.00	$0.00	$250,000.00	$0.00	$0.00	**$250,000.00**
Excessive Force	$164,725.00	$258,000.00	$693,500.00	$646,160.55	$744,500.00	**$2,506,885.55**
Failure to Train	$40,000.00	$0.00	$0.00	$0.00	$0.00	**$40,000.00**
Failure to Protect	$0.00	$0.00	$0.00	$3,000.00	$22,500.00	**$25,500.00**
False Arrest	$2,669,500.00	$255,750.00	$277,000.00	$1,970,177.00	$138,500.00	**$5,310,927.00**
Handcuffs	$0.00	$0.00	$0.00	$55,000.00	$0.00	**$55,000.00**
Illegal Search	$39,000.00	$123,000.00	$171,000.00	$295,000.00	$47,500.00	**$675,500.00**
Racial Profiling	$0.00	$0.00	$6,000.00	$0.00	$0.00	**$6,000.00**
Malicious Prosecution	$0.00	$106,500.00	$0.00	$0.00	$50,000.00	**$156,500.00**
Medical Attention	$566,720.00	$3,500,151.00	$0.00	$0.00	$0.00	**$4,066,871.00**
Miscellaneous	$0.00	$0.00	$0.00	$5,000.00	$0.00	**$5,000.00**
Property Damage	$0.00	$500.00	$0.00	$0.00	$0.00	**$500.00**
Shooting	$22,500.00	$240,000.00	$512,500.00	$445,000.00	$925,000.00	**$2,145,000.00**
Towing	$0.00	$0.00	$0.00	$0.00	$260.00	**$260.00**
TOTAL	**$4,144,705.00**	**$4,895,401.00**	**$2,561,500.00**	**$6,406,871.74**	**$3,885,590.00**	**$21,894,067.74**

While the Commission recognizes each case represents a unique set of circumstances and there are many factors that contribute to settlement in a legal matter, the statistics presented here will assist in conducting a more detailed analysis of the types of police actions resulting in the greatest exposure, and identifying a proactive method for reducing the number of suits filed.

Several categories requiring further research include dramatic increases in the number/dollar amount of claims related to 1) assault/battery, 2) excessive force, and 3) officer-involved shootings.

In 2004, there were fourteen **Assault/Battery claims** resulting in payouts of $424,760. By 2008, the number of claims doubled to 28, and there were $1,281,330 in payouts, a **201% increase**.

Likewise, claims related to the use of **excessive force** more than doubled from seven in 2004 to sixteen in 2008. The amount of payouts related to excessive force claims **increased 352%**, from $164,725 in 2004, to $744,500 in 2008.

In 2004, there was one case related to an officer-involved shooting, resulting in a payout of $22,500. In 2008, there were five cases, resulting in payouts of $925,000, **an increase of 9433%**

One positive trend is the decrease in cases related to false arrests: there were twenty-four cases in 2004, which had dipped to seven in 2008. Payouts in these cases **decreased 95%** from $2.7 million in 2004, to $138,500 in 2008

6. Lost and Stolen weapons

These accounts represent the circumstance upon which officers either lost or reported their weapons lost during the time period described.

2004

Firearm was left in a bathroom at 1801-Vine Street

Firearm was stolen from a brief case in the rear of a vehicle, while the officer was stopped at a bar.

The officer's weapon was stolen from their home. (No forced entry.)

Officers' weapon along with other items were stolen from the residence (Forced Entry)

2005

The officer's weapon was stolen from the vehicle while attending a little league coaches meeting.

The officer's weapon was stolen from the residence when it was placed on a night stand in the bedroom.

The officer's weapon was stolen from home (bed room night stand) after leaving the residence open for a teenaged daughter.

The officer's weapon was stolen from the home (in the bedroom under a mattress).

The officer's weapon was stolen from inside of a brief case in a personal vehicle. (P/O was asleep inside of the residence at the time of the theft.)

The officer's weapon was stolen from a vehicle when the officer rushed away to answer what was thought to be a situation. The officer forgot about the time and when the officer returned to the vehicle the weapon was missing.

The officer placed the gun in the wrong locker and reported it stolen. (Weapon recovered)

The officer left the service revolver inside of a bag and misplaced bag. (Weapon was used in a homicide)

The officer's weapon missing from his residence after friends were allowed inside of his residence and he allegedly smoked marijuana with them.

2006

The Officer's weapon was allegedly stolen from lock box inside of bedroom of the residence by the boyfriend of a relative.

The officer was robbed of his weapon on the highway.

The officer's weapon was stolen from a locked cabinet in her bedroom while on vacation.

The officer's weapon was stolen from his private residence –NFI

The officer's weapon was stolen from (a wardrobe closet) the private residence.

The officer noticed that the weapon was missing; officer resides with a mentally ill father.

The officer's weapon was stolen from a home in Newark, DEL.

The officer lost the weapon inside of MPO training center 990 Spring Garden Street. Personal weapon–not city issued. (Negligence sustained)

IV. Hearings and Opinions

Investigations zoned for panel hearing are scheduled as soon as possible during the year. Hearings were suspended for a time in the wake the continuing heightened security state of alert created by the events of September 11, 2001. Hearings were subsequently resumed in late 2002.

During 2007 through 2008, the Commission initiated and/or completed (4) fact-finding hearings on complaints under investigation. The Commission also issued (4) written decisions, known as opinions, on concluded complaint investigations. Opinions carry the dispositions of the Commission on the allegation(s) of a complaint including findings of fact and, as necessary, recommendations concerning a police officer's discipline, or regarding Police Department policies or practices. Commission Opinions are forwarded in the first instance to the Mayor, the City Managing Director and the Police Commissioner for their review and consideration of the Commission's findings and recommendations. The opinions then become available for public dissemination.

Between 1994 and 2008, the Commission initiated 48 public hearings, known as panel hearings, on the complaints of citizens. With the shift in its mission and operations, along with greater cooperation from the Police Department, the emphasis was placed on the improvement of the relationship between the Police and the community. The necessity of panel hearings has continued to decline. This is a positive development since these hearings have traditionally been utilized to bring public scrutiny to serious flaws in the department's disciplinary decision making. With the greater cooperation, problems are now begin identified and resolved in a much more effective way that has lead to a better understanding between the Police department and the Commission and ultimately better service to the communities of Philadelphia.

Panel hearings are administrative, fact-finding public inquiries conducted by Commission members sitting as panels of no fewer than three members. This is by definition and design open to the public and are recorded and transcribed by a court reporter. A panel hearing is usually the final step just prior to disposition in the Commission's investigative process. During the hearing, the complainant testifies under oath regarding the allegations framed in the complaint. Testimony is likewise received from other witnesses, usually uninvolved civilians, the target (accused) officer[s], and other police witnesses (peripheral officers) all testifying under oath. Questioning of witnesses during a hearing is conducted in the first instance, by Commission counsel and then, by the panel members in sequential order.

A. Hearings: Nizah Morris, Grupo Fuego

Two such hearing which drew close media attention involved the matter (s) of **Nizah Morris**, a transgender woman, found lying in the road near 16th and Walnut after having accepted a courtesy ride from a Police Officer. The matter of **Grupo Fuego** was an incident involving a youth dance, where Police abused and arrested several Latino youth and parents.

1. Nizah Morris

The Commission released its opinion in the Matter of Nizah Morris on 11/07/2007. The opinion recommended that the Police department 1) provide additional training for the involved officer, 2) draft a policy concerning courtesy rides, 3) that the department's internal review of the incident had been fair and proper. It was subsequently determined that the Philadelphia Police department had lost the homicide file in the early part of 2003 during and exchange between the Police Department and the district attorney. Philadelphia Gay News reporter Tim Cwiek, who continued to cover the story after the decedent's family filed a federal lawsuit in connection with Ms. Morris' death, brought this information to the attention of the Commission. In 2007, Mr. Cwiek filed a Right-to-Know request in Common Pleas Court seeking 9-1-1 transmissions related to the case. In January 2008, police officials disclosed that the entire Morris homicide file was missing. In May 2008, the Judge handling the matter ordered the police department to reconstitute the missing file in the event of any discovery. The Commission, for its part, was asked to reevaluate its original conclusions. The fact that the police never had a complete homicide file precluded their ability conduct a fair and impartial investigation. The Commission agreed with the family members and asked the District Attorney's Office for copies of files that may have contained pertinent investigative documents. The DA's Office refused to provide any information from it investigative files of the matter. The Commission subsequently issued a subpoena for any records contained within the DA's file that shed light on the facts of the incident as they pertained to police misconduct. Rather than pursuing the legal recourse, the DA's office allowed a committee of Commission members to review its file only after the Commission agreed to a Non-disclosure agreement. The Commission complied with this stipulation, but retained its right to pursue the matter in court should the file contain anything relevant to the investigation of Ms. Morris' death. In April of 2009, the Commission did review the DA's file and will soon issue a revised opinion in this matter.

2. Grupo Fuego

The matter of Grupo Fuego likewise concluded testimony early in 2008, with the Police Commissioner accepting some of the recommendations made by the Commission, but this hearing has given rise to another question concerning the Commission's open "public" process. FOP attorney Jerry Stanshine refused to allow the department's officers to testify if Spanish language television network cameras (who were present at the hearing) were going to videotape any of the officers who were to appear to give testimony. This position is in direct violation to the Commission's executive order, including several court orders, and a Commissioner's general order which indicates that officer (s) refusing to give testimony, even upon advice of counsel, risk job sanctions. As a compromise, the cameras were allowed to videotape the courtroom and the officers, but did not show their faces in any television broadcast.

For the police officers, their regular testimony is also under penalty of job discipline including termination from the department for failing to give proper testimony before the Commission. Pursuant to the Supreme Court decision, Garrity v. New Jersey 385 US 493 (1967), the testimony of police officers, who are ordered by a superior to appear and testify before the Commission, cannot be

used against that officer in any subsequent criminal proceeding arising from the same allegations. However, as a practical matter, all police officers ordered to testify before the Commission are cleared by the District Attorney's office, and are informed of the DA's clearance before their appearance at the Commission.

Witnesses, whether civilian or police, may have counsel present during a hearing, but Commission rules minimize the role of the attorney. A panel hearing, because it is administrative and fact-finding, (rather than judicial and adjudicatory) does not allow for many of the due process guarantees and rights usually afforded a defendant. The attorney's role is primarily to provide private counsel to his/her client while he/she testifies. Counsel may not question a witness, cross-examine a witness or make formal statements or objections. Commission panels, however, in the interest of justice have allowed attorneys to make statements on the record and ask to clarify questions of the Commission. Furthermore, the observance of the rules of evidence during a panel hearing is discretionary with only two caveats: the Commission's Executive Order specifically prohibits the Commission from basing the final disposition of a complaint solely on hearsay evidence, and the Order also requires that evidence must be material.

Since a panel hearing is a fact-finding hearing as opposed to an adjudicatory hearing, there is no burden of proof for either the complainant or the target officer. The standard of proof used by the Commission for making fact-finding determinations is a preponderance of the credible evidence including credibility determinations based on the testimony and demeanor of witnesses. Pursuant to the Executive Order a final disposition cannot be based on an unsworn complaint, or upon the prior unsubstantiated complaints against a target officer.

Panel hearings require about twelve to sixteen hours for the taking of testimony and deliberations usually during the course of two weekday evening (sometimes more) sessions. The hearings are open to the public, including the police department and the media. However, the hearing panel members always conduct the post-hearing deliberations in executive session. The decision of a panel on the allegation[s] of the complaint is set forth in a written report, called the Panel Report. The Panel Report includes the findings of fact and, as may be necessary, the recommendations for discipline and/or departmental policy/practices review or changes.

The Panel Report must be reviewed and approved for publication by the full Commission. The final report is called an Opinion. The Opinions are forwarded to the Mayor, the Police Commissioner, and the City Managing Director[3] in advance of public dissemination. The Executive Order requires that the Commission wait three working days before making an Opinion available to the public. Complainants are mailed copies of Opinions (or a final IRC disposition) on or about the same day that it is delivered to the Mayor and company.

Police Commissioner Sylvester M. Johnson during his six (6) year term of office was sent 5 Commission Opinions for review. For the most part, the Commissioner was diligent about having his explanations concerning acceptance or rejection of the Commission's findings and recommendations prepared and delivered to the Commission within the mandatory 30-day time frame. He accepted, in whole or part

[3] Under the Nutter administration a copy of the opinion is provided to the Deputy Mayor of Public Safety.

recommendation regarding the disciplining of a police officer, in the Matter of T. Gary, a one-day (1) suspension for the target police officer, May-August 1998. The Commissioner also accepted one Commission recommendation for non-disciplinary (the Commission made no findings against the police officers) supplementary training for two police officers, In the Matter of K. Roberts (C. Lackey), June 2001. He also accepted some Commission disciplinary recommendations, such as a recommendation for general training, or for notification of the target police officer's commanding officer.

Plans for a public hearing during the 2010 year are currently underway. Matters under consideration for study and possible public hearing during 2010 include police enforcement of federal immigration laws, Officer involved shooting issues and a follow-up hearing based on the data obtained from the district surveys and whether or not this constitutes interference by the department with the complaint filing process.

Since 9-l-l, concerns related to possible police abuse of authority in furtherance of homeland security issues have also come under consideration for study and possible public hearing.

B. A New Commissioner

Commissioner Sylvester M. Johnson became the 13th Police Commissioner of the City of Philadelphia on January 4, 2002. In January 2008, he was succeeded by our current Police Commissioner Charles H. Ramsey, who is number 14.

Police Commissioner Charles H. Ramsey officially took the reins of the Police Department on January 2008. The first order of business was to draft a crime plan which would outline a strategy as to how police would address the situation of crime in Philadelphia. Two of the problems included the increase in shootings and homicides resulting from them. On January 30, 2008, Commissioner Ramsey officially rolled out his crime plan that specifically identified the nine most crime-ridden communities and strategically developed a plan to address these areas. Along with this initiative, the Mayor has pledged to put 400 new officers on the street to support this effort.

The Commission welcomes and applauds Commissioner Ramsey's appointment. He has already proven himself to be accessible, conducting various community town hall meeting and like his predecessor Commissioner Johnson has accepted an invitation and addressed the full Commission during its March 2008 meeting held on March 19. He also met with the Commission's Executive Committee and staff shortly after taking control of the department. The meetings positive, productive tone bodes well for future cooperation between the two departments.

The Commission looks forward with anticipation to developing a more cooperative and mutually beneficial working relationship with this Commissioner and his department.

Commissioner Charles Ramsey

With his few months, Commissioner Ramsey had already received his first opinion for review. The Commission received the Commissioner's response to its first set of recommendations in the Matter of Grupo Fuego. In following the pattern of the previous Commissioner, some of the recommendations were accepted while other portions

rejected. The Commission, however, found that Commissioner Ramsey seems to be much more proactive in dealing with matters related to police misconduct and abuse and is confident that his continued tenure will yield further positive enhancements to the Police department.

The Commission notes that although he has only had a short time on the job, Commissioner Ramsey has already followed through on perhaps the most significant development between Police and the Community by taking action to discipline several officers in connection with the May 5, 2008 videotaped beating of three young men during a vehicle stop. The incident was caught on tape by a local news station helicopter. In addition, Commissioner Ramsey also took action against officers involved in using racial epithets while on duty and in the presence of a Temple University journalism student.

On March 10, 2008, in response to an inquiry at the Philly Stat meeting, Commissioner Ramsey instructed his staff to assist in providing the Commission access to the Police department's IAPRO system. This is the computerized complaint-tracking program utilized to track, and categorize complaints by civilians. For several years, the Commission has requested access to the database as a means of identifying officers with reoccurring complaints, and as an instrument for exchanging complaint information utilized to manage concurrent investigations with IAD.

Greater access and exchange of information will significantly increase turn around time in the completion of investigations. This will assist the Commission in its processing of complaint, by no longer being subject to the IAD investigators timetable for researching and providing pertinent complaint information. The Commission also believes that this will reduce the number of complaints in which IAD had failed to make notification of scheduled officer interviews, and subsequently required the Commission to subpoena officers for separate Commission interviews.

V. New initiatives: Cooperative Agendas (Police and Commission)

A. Officer Training

Cultural awareness training, language access training, CIT training, and community workshops are all projects which the Commission has worked hand in hand with the police department in implementing.

1. Language Access

The Police Advisory Commission has moved on addressing two significant issues facing citizens in Philadelphia. The first is assisting in the development of a new Language Access directive aimed at providing better police service to individuals deemed Limited English Proficient. The new Directive 71 provides interpretation and translation services for this segment of the community. However, a broader issue has grown out of this initiative. The Commissioners have joined with other community members and

advocates to address the growing concern over local police and their enforcement of federal immigration laws. While the Philadelphia police department has publicly stated that individual immigration status is of no concern to them if you are the victim of a crime or have witnessed a crime, their enforcement practices have not been as reassuring. Throughout the city, the Commission has received reports and complaints from immigrant communities about arrests and detention for misdemeanors where individuals reported to ICE (immigration and customs enforcement) were being deported. In one extreme situation, a local immigrant was deported for a perceived lack of cooperation in a police investigation. These kinds of incidents have created a chilling effect among immigrant communities in Philadelphia. Contributing to this fracture is the federal governments "Secure Communities" initiative. This is a federal mandate that allows local police actively to enforce federal immigration law. Along with this, local law enforcement has granted ICE unfettered access to the court arraignment system known as PARS. This allows ICE to cross check the name of anyone detained and processed by police regardless of whether or not they are charged with a crime.

2. Crisis Intervention Team Training

In 2007, as a result of the exhaustive efforts of advocates in the mental health community in partnership with the Commission and the Philadelphia Police department, the city began training its officers in how to deal with persons suffering from mental illness. In cooperation with this effort, the Police department issued conducted energy devices (tasers) to these officers as a means of utilizing a nonlethal weapon during these encounters. In 2008 and 2009, several well-publicized incidents involving police and people suffering from mental illness have again raised questions about the police department's response and deployment of CIT officers. The police department has trained 600 officers citywide and as of November 30, 2009 has expanded the program to include officers in all districts. Despite the additional training, six persons believed to have been suffering from mental illness were shot and killed by Police in 2009. The Commission continues to gather information regarding these encounters, and will be monitoring officers increased use of CED (tasers).

Key Events in the evolution of Philadelphia's unique CIT Model

- 5/6/2000 – A man jumps to his death from a local bridge in plain view of police, rescue personnel and bystanders videotaping the incident. Earlier, in January 2000, Philadelphia police shot and killed another man suffering from a mental crisis.
- 7/18/2000 - Amtrak police officer shoots and kills a mentally challenged man at 30th Street station in a highly publicized incident.
- 7/21/2000 -Philadelphia Police implements Directive #136 re handling of "severe mentally-disabled persons"
- 12/2000 -City Council hears testimony from consumers, the police and other agencies, including the Commission, produces report "Improving Responses to Mentally Disabled Persons in Crisis," in January 2001.

- As a result of the City Council hearings, police and mental health organizations began discussing the implementation of a crisis intervention model, but no progress is made.
- After reviewing the 2001 City Council recommendations, Commission staff arranged for joint discussions with mental health providers and police to help renew efforts around establishing a CIT model.
- City Council's report also recommended "re-enforcement training for all front-line officers, 911 operators, and the Hostage Negotiation team.

- In late 2004, there were two additional incidents involving the police and mentally challenged individuals that resulted in deaths.
- During FY2004, the Commission accepted three complaints in which mental illness was an overriding factor in judging police response to the incident.
- Commission representatives meet with Miami Police and judges during the 2005 NACOLE conference in Miami FL, to gauge their experiences with CIT and report back to Police and the local RESPONDS committee.

Complaints related to mental illness

- 1995-1999 – 6 complaints, 13 individuals
- 2000-2004 – 16 complaints, 22 individuals
- 2000-2006 – 3 deaths during contact with police resulting in complaints.

- 85% - Male, age 20-30 yrs.
- 50 % - Alleged physical abuse
- 50-75% - Involved family or familiars

3. Citizen Informational Bulletins

During 2005, the Police Advisory Commission in conjunction with the Philadelphia Police department developed Citizens Informational Bulletins. They are explicit language bulletins that explain various topics related to law enforcement, aimed at educating the public about police work. Their goal is to provide citizens of Philadelphia with a greater understanding of police procedures and clarify some of the misconceptions surrounding police actions and the community. To date, eight bulletins have been released: Domestic Abuse, Live Stop Program, Landlord-Tenant disputes, Search Warrants, Detainee and Prisoner Constraints, Children in Defendant Custody, Stalking, and Disorderly Conduct. Topics for these bulletins are determined by current trends in Policing, or by suggestions from citizens. Additional topics are submitted to the Philadelphia Police Department for release to the general public.

In an effort to promote the goal of the bulletins, we have made them available in all police districts, city offices, public offices, and on the websites of the Police Department and Police Advisory Commission.

4. National Association of Civilian Oversight of Law Enforcement

During October 2007, the Commission, in the persons of Commission's Executive Director William Johnson and Kelvyn Anderson, its Deputy Director attended the annual meeting of the National Association for Civilian Oversight of Law Enforcement (NACOLE) in San Jose, Cal. The Commission was unable to participate at the 2008 NACOLE annual meeting during October 2008 in Cincinnati, Ohio, due to the city's financial crisis. The primary themes at this year's conference are NACOLE continues to be the primary national advocate and information source on police oversight issues. The Commission's Deputy Director, Kelvyn Anderson, has served as a member-at-large of NACOLE's Board of Directors, and currently volunteers as moderator of the Police Oversight Listserv, the group's online discussion forum.

5. Mediation

Mediation is a voluntary process where disputing parties meet to discuss a solution to their conflict with the aid of a mediator. A mediator is a neutral third party, whose role is to guide discussion and clarify issues that exist between the disputants. Finally, a mediator puts into writing, any terms of the agreement reached between the two.

Mediation is a strictly confidential process Information will only be revealed, when by law, such information must be reported; for example, a communication of a threat of bodily injury; the communication of a threat of damage to property which constitutes a felony or conduct during negotiation which causes direct injury to a person and of course, information pertaining to child abuse.

The Police Advisory Commission, in conjunction with Good Shepherd Mediation, has submitted a proposal to the Philadelphia Police Department that would allow officers to have complaints involving civilians mediated. To date, the police department has not indicated a preference toward utilizing this system. The advantages to mediation are that citizens and police officers can work out a resolution to their problems without engaging the formal complaint process. Engaging in this process does not limit one's right to file a complaint or lawsuit if a solution cannot be reached. It creates a basis for mutual understanding between police and the community. Some of the concerns expressed earlier by the police department have been maintaining the ability to track and identify patterns of misconduct on the part of officers, because mediation is a closed process. While these are significant concerns, there remain several possible options to employ that will make mediation a powerful tool here in Philadelphia. Other police departments around the country are already utilizing mediation as a tool for promoting better understanding between police and the community that they serve.

VI. Commission Studies:

The Executive Order authorizes the Commission to undertake broader fact-finding studies and research regarding the policies or practices of the Police Department. The Commission may undertake a study or research either of its own initiative, or upon the request of any member of the public or the Police Department. Neither the Police Department nor any member of the public made any requests of the Commission in this regard during the fiscal year. The authority to conduct the studies and research supplements the Commission's authority to review specific complaints or incidents of misconduct against particular police officers. The subject matter of any broad issue study must be a topic of concern to the community, or the Police Department, or the Police Commissioner. Broader issue studies can include public hearings conducted by the Commission

A. Police District Surveys

The Commission conducted a community survey project in 2007. This survey was in response to various reports concerning the inability of community members to obtain complaint forms (75-561) from local police districts. To address this concern the Police Advisory Commission conducted a study of several districts in the southwest Philadelphia section of the city. This study was done in conjunction with the University of Pennsylvania Law Department. Utilizing Penn law students, random visits were made to each district in an assigned area, at various hours for the purpose of determining whether or not a citizen would be given a complaint form upon request. Accordingly, surveys to determine how and by what method local Police districts were distributing complaint forms (75-561) became essential because of the relatively constant number of complaints filed annually in Philadelphia when compared to other municipalities of similar departmental size and demographics. In addition, the continuing reports by various complainants identified for the need for this study.

According to Police Directive 127 "Complaints Against Police," a complainant may fill out the 75-561 form either at the local district or may take it home to complete. Complainants may also at their insistence file an anonymous complaint. There is no mention in the directive for refusing a form to any person that may request one, nor is there any language which stipulates that the person must provide personal information or facts concerning the incident to officers at the local district where the form is to be filed. Form 75-561 may be obtained at any local district, completed and then returned to any other district in the city.

Reports to the Commission by various complainants allege that they were being denied copies of complaint forms, without first providing an explanation of the incident, that local districts did not have any of the forms on hand; that they were first required to give their names and phone numbers, and/or speak with a ranking officer. Other than clearly violating the directive, these actions could have a significant effect on the overall

number of complaints filed annually as well as a chilling effect on the public's confidence in receiving real redress to their concerns. This in turn erodes police community relations.

Establishing parameters for this survey was somewhat challenging given the limited resources of the Commission and the large number of police districts in the city of Philadelphia. Because of this, it was determined that this survey could only encompass the districts with the most frequent reports of non-compliance and that would be generally accessible to the survey participants. Reports to the Commission had identified 5 target districts where citizens experienced the most significant problems in obtaining the forms. (18, 19, 12, 16, 15) These were the first to be surveyed during the project.

To assist in conducting this survey we enlisted the aid of the University of Pennsylvania Law School. As a result of our initial request for volunteers we were able to identified 6 Law Students (identities of the students have remained confidential) to participate in the survey. The instructions for conducting the survey were disseminated in this manner:

Purpose: To determine if citizen complaint forms are easily accessible and if the local districts are following the directive concerning their distribution and availability, and what impact this may have on complaint filings.

Parameters of the Survey: To utilize members of the public to systematically enter each district during its hours of operation and request a complaint form and to thereafter gauge the ability to obtain them in the manner stipulated by the Police Department.

Standard for Distribution of form 75-561 Complaints Against Police: The Philadelphia Police Department has stated in the body of its directives that (paraphrased):

1). Citizen's complaint forms will be made available at every district in the city of Philadelphia and that upon request by a member of the public, they will be provided a form. <u>There are no other stipulations</u>. (i.e. no personal information required, no specific facts of the complaint necessary, no refusal to provide based on the non-compliance with these or any other requests made by the department.)

2.) That the complainant will be provided a copy of the form without first having to speak with a district commander.

3.) That the form may be completed at the local district or may be completed at another location and returned to any local district in the city regardless of where the form was obtained, and that it may simply be dropped off at any other district in Philadelphia.

4.) That, if no complaint forms are available at the time of the request, then the local district of request must make arrangements to obtain copies of complaint forms or inform the complainant that he may obtain a copy of the complaint form from any

other district in the city with no stipulations. (Districts are required to maintain a sufficient number of forms on hand at all times.)

B. Conducting the Survey

For the purpose of conducting this portion of the survey, we required 3-5 groups each consisting of three survey takers. Each survey taker was to enter the district at an assigned time and then proceed to the service desk to request a copy of a complaint form. Each was instructed not to render any additional information to the officer. The goal was to devise five groups and survey each shift for every district in the city.

Each survey taker was transported to the target district and accompanied by a Commission staff person, who remained at a nearby location while the survey was conducted. The survey times covered the three shifts 8am-4pm, 4pm-12am, and 12am-8am. Survey takers were instructed to give no information concerning the incident, nor any personal information. They were not to speak with any commander as a prerequisite to receiving the form. Additionally, they were instructed to remain focused on obtaining the form regardless of what response they received when making the request. They were further instructed not to argue with any officer over the form, but rather to leave the district if the conversation escalated or the officer's tone became more aggressive.

The survey was conducted in the summer of 2007. The following narrative represents the results of a typical survey response.

The following represents actual survey dates and responses:

May 23, 2007 (12-8 shift)

5:35 Am -A female survey taker entered the 19th Police district (61st and Thompson) where she was greeted by a female Officer behind the desk. She asked for a complaint form. The Officer asked her name, but when she expressed reluctance to give it, the officer supplied the form and she left without incident. 5:43 Am

Result: Form obtained.

We next proceeded to the 18th Police district (55th and Pine Street).

We arrived at the location at approximately 5:55 am and the same survey taker entered the district. She was again greeted by a female at the window, a Sergeant who asked for details of the incident and the student's name. When she refused, she was told by the Sergeant that she could not receive a complaint form without providing some information. The officer did provide the student with a 48 with information to contact Internal Affairs indicating that she (the student) was uncomfortable giving her name to the district supervisor. The Sergeant refused to give the student a complaint form and our student left without incident @ 6:10 am.

Results: No form obtained

We next arrived at the 12th Police district (65th and Woodland Avenue) at approximately 6:20am. Our student entered the district and was again greeted by a female officer. She indicated that the officer that responded to her request asked her about the incident, but when she refused to give information, she was still given a complaint form. She exited the district at approximately 6:27am with the complaint form.

Results: Form obtained.

We next arrived at the 16th Police district (39th and Lancaster Avenue) at approximately 6:45am and our student entered the district. She was greeted by a male at the window who informed her that they did not have any forms on hand. When our survey taker asked where she could obtain a form, she was instructed to go to the Internal Affairs Bureau located in the northeast. She exited the district at approximately 6:55am.

Results: No form obtained.

The survey participants were culturally diverse, though not representative of every ethnic group in the Philadelphia Community. There were 3 males and 3 females that participated. Of the four districts surveyed 18, 19, 12, 16, each district was visited 1 time on various days during the 3 working shifts, by 4 different survey takers. A total of 3 visits were made to each of the four district identified.

The total results for the entire survey breakdown this way:

18th district only 2 forms were obtained. 19 districts, 1 form was obtained, 12th district 3 forms were obtained, 16th district 0 forms were obtained.

While the survey has proven helpful in identifying problem districts, more comprehensive study, utilizing participants from a wider cultural array to cover a larger number of districts in the city must be undertaken to determine exactly how widespread this practice may be in the Philadelphia Police department. Although limited in scope, the survey results point to the need for the department to more closely monitor how these forms are being distributed. Such practices could be hindering the complaint process while eroding community confidence in police accountability and police integrity.

VII. Community Outreach & Education

A. Commission Meetings

During 2008, the Commission held nine (9) regular “monthly” meetings. Monthly Commission meetings are held the second Tuesday of each month at the Commission’s

office in Center City, 34 S. 11th Street, 6th floor. Commission meetings are also convened in various communities around the city[4] and response to these meetings has been tremendous.

The public session of the monthly meeting commences at 7:00 PM and continues until it is appropriate to close the meeting. 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 met on a monthly basis during the fiscal year. The Commission's Operating Procedures Committee also had at least three meetings during the year.

During the years 2005-2008, the Commission had meetings with Police Department personnel including former Police Commissioner Sylvester Johnson, Chief Inspector Anthony Dilacqua, of the Office of Professional Responsibility (which oversees the Internal Affairs division), both of whom accepted invitations and addressed the full Commission. Starting in February 2008, at its regular monthly meeting, various high-ranking department officials addressed the full Commission, including the Director of the Office of Integrity and Accountability, Mr. Curtis Douglas, Esq. Newly appointed Police Commissioner Charles Ramsey met at his office in the Police Administration Building with the Commission Chair, the Executive Committee, including the Executive Director and Commission Counsel soon after his appointment. He then also addressed the full Commission at its March 2008 monthly meeting.

Meetings and contacts with public officials included meetings with various members of the City Council. All City Council members were sent the Commission's annual mailings that included informational brochures, complaint forms and the Annual Year Report. The Commission also had meetings with the City Managing Director Camille Barnett, the Deputy Mayor for Public Safety Everett Gillison, the Honorable Maria Quinones Sanchez, the Honorable Bill Greene, the Honorable Curtis Jones, the Honorable Donna Reed Miller, and various State Representatives and State Senators. The Commission also had official contacts during the year with Congressional Representatives: the Honorable Chaka Fattah, the Honorable Curtis Thomas, and the Honorable Bob Brady.

1. Outreach

The Commission's community outreach and education efforts continued unabated during the years 2005-2008. The Commission conducted or participated regularly throughout the year in meetings, presentations or workshops with community-based organizations, professionals, other governmental entities, elected or appointed officials and community leaders to discuss the Commission, its mission and services.

Commission members and staff during 2008 also participated in various forums

[4] A list of meeting held in the community can be found in section VII "Outreach and Education"

including workshops, panel discussions, presentations before governmental committees and bodies, press conferences and media events, professional colloquiums, and community meetings including 10 meetings scheduled by the Commission during the year for public input and discussion on issues related to policing and police-community relations in Philadelphia.

The Commission membership has given presentations to all of City Council, the Philadelphia Bar Association, Rutgers School of Law, and Princeton University's Vera Institute for Justice. Other presentations were made to the University of Pennsylvania Law School, Pennsylvania Association of Mental Health Professionals, Pennsylvania Immigration and Citizenship Coalition, State Representative Dwight Evans, Quality of Life Town Hall Meetings and various high and middle schools throughout Philadelphia.

The Commission also participated as a presenter at a local forum sponsored by the Philadelphia Bar Association, in support for its agenda for permanent agency status.

Print and electronic media coverage of the Commission during 2007 and 2008 was regular and more consistent. Coverage included The Philadelphia Inquirer, The Daily News, The Philadelphia Tribune, City Paper, Philadelphia Weekly, the Philadelphia Gay News and the Spanish-language Al Dia. Electronic media included KYW radio and TV, the major networks and the Fox network. Presently, more than 40 news media outlets are routinely notified of Commission meetings, panel hearings, Opinions and news releases.

The Commission's bilingual brochure in Spanish continued to be distributed at a rapid pace throughout the year; more than 5000 copies were distributed. The project to translate the Commission's brochure into Chinese, Cambodian, Vietnamese, Russian, and Arabic stalled again during the next fiscal year. The objective is now to revise the brochure, have the translations completed, and achieve a citywide distribution of the translated brochures by the end of 2010.

Complaint kits containing forms and information necessary for an individual to file a complaint with the Commission are the third most frequently used of the Commission's resource materials. Annually, fifty (50) complaint kits on average are mailed to prospective complainants during the year, each in response to telephone inquiries or website requests. In addition, the Commission continued proactively to distribute complaint kits and other resource materials to community-based organizations, local offices of elected officials, libraries and other public-access institutions throughout the year.

In a further effort to promote and expand it community outreach and education, the Commission has requested a reciprocal link between the Police Department's website and the Commission's website.

2. Education:

Of significant note were the “Know Your Rights” workshops conducted jointly with Congreso de Latinos Unidos, a North Philadelphia community based organization. The workshops were conducted at schools, other community-based agencies, churches and other public forums throughout the City. The principal objective of the workshops is to educate young people especially between the ages of thirteen and twenty-one on how to handle an encounter with a police officer.

During the workshop, the rights and responsibilities of each party were explained during an encounter and put in the context of police concerns, obligations and the rights of citizens. The workshops also provide instruction on what to do if police abuse is perceived. The workshop usually consists of a role-play, presentations by a Philadelphia police officer, the Commission and/or a civil rights attorney and the viewing of short video on the topic produced by the PBRP entitled “Your Rights and Responsibilities When Stopped by the Police”. Questions and answers are freely entertained and discussed by the participants, and informational brochures distributed.

The Commission, during the years 2005-2008 also presented a modified version of the workshop using both the PBRP video and a video produced for young people by the NAACP and Allstate Insurance entitled “Know the Law”. The modified version of the workshop was first presented during June 2002 at two Philadelphia high schools, Overbrook H.S. and Walter Biddle Saul H.S., to their entire student bodies just before the start of the summer vacation break. The Commission hopes to explore with the School District, whether similar presentations can be arranged through the central school administration for all high schools and intermediate schools, every June, in anticipation of the summer hiatus.

During 2007 and 2008, members of the Police Advisory Commission and staff held various meetings throughout the city. Some were simply opportunities to meet and greet Commission members while educating residents about the Commission’s activities. Others were educational workshops designed to inform Philadelphians on how to react during Police encounters; still others were in response to the serious incidents of Officer involved shootings. The following list represents the Commission’s overall outreach efforts:

B. Locations: Meetings and Workshops

<u>2007 Community Meetings Schedule</u>

January 25, 2007, Special Meeting (Penn Law School workshop)

March 28, 2007, Lonnie Young Rec. Ctr., Community meeting (Officer shooting)

April 12, 2007, Athletic Center 26th & Master Streets (Comm. Mtg.)

April 14, 2007, Community College Of Philadelphia (Annual workshop presentation)

May 9, 2007, Kingsessing Recreation Center (Comm. Mug, Police service)

May 26, 2007 follow up meeting Kingsessing Recreation Center.

June 12, 2007, Towey Recreation Center (Comm. Mtg)

July 10, 2007, Special Meeting, Vare Recreation Center (Officer Shooting)

July, 13, 20 27, 2007, Congresso de Latinos Unidos (Summer workshop presentations) (3 mtgs)

August 10, 17, 24, 2007, Congresso De Latinos Unidos (summer workshop presentations) (3 mtgs.)

August 4, 2007, Tustin Playground (Philadelphia Weekend of Peace)

August 4, 2007, Eastwick Rec. Center (Philadelphia Weekend of Peace)

August 4, 2007, Simons Rec. Center. (Philadelphia Weekend of Peace)

September 11, 2007, Eastwick Recreation Center (Comm. Mtg)

2008 Community Meeting Schedule

January 16, 2008, Lonnie Young Recreation Center, (Officer Shooting)

March 19 2008, Roundtable with Police Commissioner Ramsey*

April 16, 2008, Community College Of Philadelphia (Annual workshop presentation)

April 16, 2008, Max Myers Recreation Center, (Comm. Mtg.)

May 14, 2008, Cruz Rec. Center (Police Incident)

June 11, 2008, William Way Center, (Special Comm. Mtg.)

August 2, 2008 Tustin Playground (Philadelphia Weekend of Peace)

August 2, 2008 Eastwick Rec. Center (Philadelphia Weekend of Peace)

August 2, 2008 Simons Rec. Center. (Philadelphia Weekend of Peace)

No Summer Workshops

C. Website

As of June 2002, the Commission was able to establish its website, which has become a source for information on matters related to oversight and receives several hundred visitors each month. The Commission website is also a source for current complaint statistics, Commission opinions, a history of civilian oversight in Philadelphia, links to news connected to the Philadelphia Police Department and NACOLE. You may visit the Commission website at http://www.phila.gov/pac.

The Commission seeks to build a more comprehensive website, which will provide quick and direct access on a 24-hour basis to general information, police complaint and commendation forms, opinions, monographs and position papers. In the future, the site will also be the source of new and recently analyzed data concerning citizen complaints, police discipline, and Philadelphia policing. There will also be forums for discussion, and the posting of community comments and responses as well as links to the Police Department, and other relevant community-based organizations.

In an effort to further promote and expand community outreach and education, the Commission has requested a reciprocal link through the Police Department's website to the Commission's website.

The Commission clearly understands that its enhanced community visibility and community acceptance as reflected in part by the sustained higher level of complaints filed. Other positive indicators are the number of relevant inquiries received, and the number of requests and invitations made to the agency to attend and participate in Community events. These factors are directly linked to the success and depth of its community outreach and education program and the quality of service offered to clients upon their first contact. The Commission, thanks the citizens and residents of Philadelphia for their continuing support, and looks forward to offering even better services that are more community accessible and usable.

VIII. Our New Commissioners

Commission membership was reconstituted in March 2005, when Mayor John Street made ten new appointments and five members were reappointed to the Commission. However, since 2006, there was one Commission member resignation, Hugh Allen, and one member was deemed ineligible to continue serving, Kathy Padilla. Since the loss of the two appointees, there continued to be two vacancies in the member positions, and four vacancies in the alternate member positions. Commission membership remained at thirteen until the appointment of Dr. Yingzang Lin, PhD, to a vacant alternate position as a representative from the Asian community. The Commission has fifteen permanent members and four alternate members, when at full complement. Since that time, however, all appointments have expired and the Commission is again looking to the current Mayor Michael Nutter to make new appointments.

All thirteen remaining appointees have continued voluntarily serving during the interim.

The Commission formally re-notified the Mayor and the City Council of the pending vacancies during the year, and met with the Honorable Donna Reed Miller, the head of the committee for public safety specifically to discuss the Commission's vacancies. The Commission's Chair Robert S. Nix, ESQ. has served in this capacity since April 2003, and continued to serve as Chair through 2009.

The Commission offers its most sincere gratitude to former Commission Chair William Cannon, Esq. for the strong leadership and guidance demonstrated during his three-year tenure. The Commission and the citizenry of Philadelphia could not have been better served. Commission Member William Cannon will join another former Commission Chair, Jane Dalton, as a Member Emeritus of the Executive Committee.

A. Commissioners

The Police Advisory Commission is the official, civilian oversight agency for the Philadelphia Police Department. The Honorable Mayor Edward Rendell established the Police Advisory Commission by Executive Order in 1993. The Commission began operations in June 1994. The Commission, when at full complement, consists of 15 permanent members and 4 alternate members, all of whom serve without compensation for terms of either four-years or two years. The Mayor, appoints all Commission members, however, seven of the permanent and two of the alternate members must be appointed from a list of nominees developed by the City Council. The Commission staff is comprised of five full-time employees. The Commission hires the Executive Director who in turn hires the remaining staff, which during this report consisted of the Deputy Director, Chief Investigator, a Special Investigator, and an Administrative Assistant.

Robert Nix, Esq. Chair

Mr. Nix is a resident of Fox Chase; Mr. Nix is a 1986 graduate of Texas Christian University, and a 1994 graduate of the University of Maryland. He received his JD from Temple University in 1997, and specialized in civil litigation with the firm Pepper Hamilton LLP. Mr. Nix is currently president and CEO of Phoenix Strategies LLC. A republican political lobbying firm. Mr. Nix is an active member of the Hispanic Bar Association.

Ronald Burton, MSW, PhD, Vice Chair.

Dr. Burton is a resident of Overbrook and president of the Center for Social Welfare Concerns, a national consulting firm. He is also Chair of the Philadelphia Division, Pennsylvania Chapter, of the National Association of Social Workers. Is an original member of the Police Advisory Commission having served with the commission for more than 15 years since its inception in 1994. In addition, he currently serves as the president of the Lamberton High school's home and school association.

Joseph T. Stapleton, Esq., Vice Chair.

A graduate of Villanova University, and the Villanova University School of Law, Mr. Stapleton is a partner in the Corporate Section of the Business Department of Montgomery, McCracken, Walker & Rhoads, LLP. In addition to his work as a Commissioner, Mr. Stapleton is a Director of the Philadelphia Committee to End Homelessness, and a member of the Advisory Board of Esperanza Health Center. Mr. Stapleton is a Chestnut Hill resident.

Rev. Robert P. Shine Sr., Vice Chair.

Chairman of the Black Clergy of Greater Philadelphia and Vicinity, the Rev. Shine is founder and pastor of the Berachah Baptist Church. He is the Chairman of the African-American Association for Corporate Responsibility; Chairman and Charter member of the World Communication Charter School, and has served as Vice President/Chair of the Civic and Social Action Committee for the Black Clergy of Philadelphia.

Michael Weiss, Vice Chair.

Although he does not consider himself an advocate, Mr. Weiss believes firmly in the fair and respectful treatment of the sexual/gender-minority communities. By profession, Mr. Weiss is a respected businessman. He manages and owns several nightclubs in Philadelphia, including the 2-4 Club in Center City. Prior to his appointment to the Commission in November 1999, Mr. Weiss was an active member of the 6th District Police Advisory Council.

B. New Member Selections:

Abraham Jordan

is a retired Septa worker who has served the City in many extraordinary ways. He is a member of the Local Town watch and of the Police District Advisory Council. Mr. Jordan is a tireless community activist and resides in the Fairmount section of Philadelphia.

Albert Littlepage

Mr. Littlepage is a local businessman and activist. He has, for several years, been active in local politics. He ran unsuccessfully for traffic court judge in 2008. He brings a wealth of experience in local community matters, and currently resides in the South Philadelphia section.

Oscar Rosario Fuentes

was born in the El Yunque rain forest of Puerto Rico and raised in the city of Philadelphia. He is a product of the Catholic school system. Oscar served as an assistant to former Mayor (the late) Frank L. Rizzo. His political influence and experience spans five decades and he is the founder and creator of the Governor's Hispanic Commission and Mayor's Spanish Speaking Advisory Council in Philadelphia. He has served as a community relation's liaison for the Philadelphia Gas Works. His numerous community and civic organizations, including the prestigious Governor's Hispanic Commission, 6 ABC Community Advisory Board, Puerto Rico 51ST State Committee, Spanish American Law Enforcement Association, PGW Retirees Association. He also served as a political advisor to former Councilman Juan F. Ramos' Campaign Advisory Team.

Sarah Baylor

is a businesswoman and senior executive for a security firm. She exhibits a strong compassion for people and balances her work with community involvement. She resides in West Philadelphia.

Joi Spraggins, Ph.D.

is president and CEO of Global Perspectives, a human resources and organizational development firm. She is a certified workforce development professional with more that 20 year experience in workforce training, development, coaching and consulting. She is also a certified trainer in Neuro- linguistic programming and has received national awards, and has published a book for life-coaching. She is a resident of Center City.

Kathy Padilla- was the first transgender representative to be appointed to the Commission. Her insight and familiarity with issues facing this segment of the community was key in the development of recommendations in cases involving transgender people. Unfortunately, Kathy was unable to continue to serve as a member of the Commission as active employees with the City of Philadelphia are ineligible. She is a South Philadelphia resident.

Andrew J. Thompson, Esq. served as a Commissioner from 2005 to 2009, and is an attorney with the Law firm of Dechart, Price and Rhodes. He has for many years been a community activist in the fishtown area and developed community programs and fought for change in this area. He received his Law degree from Temple University Law School and has been active in Philadelphia politics. He community interests and activism in the fish town area have been unparalleled.

Adam Rogers, Esq. is a private practice attorney specializing in defending clients against police abuse, and is extremely astute in matters related police department policies and practices.

Hugh Allen- is an administrator with the Philadelphia School board with a compassion for the youth of our community. He briefly served on the Commission and is a resident of Center City.

Jill Henan was appointed to the Commission, but was unable to serve due to other commitments.

IX. The Process to Obtain Appointments

While the appointment of new Commissioners on March 15, 2005 was a welcomed development, the road to obtaining these appointments was anything but easy. No less than five letters were addressed directly to Mayor John Street requesting his swift intervention in this matter by appointing new members. To complicate this already serious situation, there were only six (6) active members remaining from both the original appointments, and the additional appointments in 2000, some of which date back some ten years prior. This made conducting the usual commission business difficult. Steps were taken to maximize the number of active members by adopting an interim resolution to address the need for a quorum to make decisions on pending commission cases as well as other commission business. In conjunction with this, the Commission announced on May 3, 2004, that it was effectively curtailing certain operations that could not be conducted as a result of limited manpower. This press release read in part:

"Effective immediately, the Police Advisory Commission will no longer schedule hearings in pending civilian complaints, or conduct commission committee meetings,

according to Commission Chairman Robert Nix, who cited the lack of mayoral appointments as having a negative impact on operations. “While we regret the need to take this drastic step, it’s simply not possible to hold hearings and write opinions with only six active members out of 19 available positions”

As part of the ongoing strategy to obtain the needed appointments, the Commission resolved to lobby members of City Council for their support in obtaining the necessary appointments to their board. Councilmen Juan Ramos, David Cohen and Michael Nutter introduced a resolution in city council on October 21, 2004 urging the Mayor immediately to fill the vacant seats on the Commission as well as reappoint 5 of the active 7 who desired to continue service to the Commission. This resolution was unanimously passed in council, but appointments lingered.

1. Letter to the Mayor

This letter represents the actual reproduction of the correspondence, including the date forwarded to the Mayor, again urging him to make commission appointments:

August 13, 2004

The Honorable John F. Street
Mayor of Philadelphia
Room 215 City Hall
Philadelphia, PA 19107

IMMEDIATE ACTION REQUESTED

Re: Police Advisory Commission - Appointments

Dear Mayor Street:

Robert S. Nix, Esquire, the Chair of the Police Advisory Commission (the Commission), has asked me as Commission’s Executive Director to provide you with a follow-up notice, pursuant to the Commission’s Executive Order, concerning the current vacancies on the Commission.

As you know, the Executive Order provides that the Mayor shall directly appoint eight (8) members of the Commission and two (2) alternate members. In addition, the Mayor shall appoint seven (7) members and two (2) alternate members from a list provided to your office by City Council last fall. There are currently fifteen (15) vacancies on the Commission (15 direct Mayoral appointments and four (4) alternates).

As noted by the Commission’s February 6, 2003, letter, its February 18, 2000 letter to you, and former Executive Director of the Commission Hector Soto’s July 24, 2001 letter, the terms of all of the mayoral appointees expired on October 15, 2003. As a result, these positions are technically vacant. However, six of those appointees: Ms. Mary Ellen Krober, Esquire, Commission Vice-Chairs; Mr. Michael Weiss and Dr. Ronald Burton and Commission Chair. Mr. Robert S. Nix, Esquire, and Mr. Charles Harris, PPD (ret.) and Mr. Joseph Stapleton, Esquire continue to serve on the Commission as permitted by the Executive Order while awaiting reappointment or replacement appointments. Moreover, these Commission members are presently serving at your pleasure, and at least four, Mr. Stapleton, Dr. Burton, Mr. Weiss and Mr. Nix would accept reappointment.

The identification and appointment of Commission members is today more urgent in view of the fact that as of October 15, 2003, the terms of all of the Commission members have expired. This has seriously hampered the operation of the Commission in holding meetings, hearings and just the caring for the day-to-day business of the Commission. Thus, the Commission seeks your immediate action so that it can continue to fulfill its duties under the Executive Order.

The Commission now respectfully requests that you move as expeditiously as possible to fill the current vacancies. If there is to be a delay beyond Friday, August 20, 2004, we would like to request a formal meeting with you to discuss the most

expeditious way to resolve the appointments. We have previously supplied information concerning Commission Members attendance and participation in Commission activities. So as not to cripple the Commission's operations any further, we respectfully request that these appointments be made no later than August 20, 2004.

Thank you for your assistance in this matter. If you should have any questions, please feel free to call me at the above telephone number.

Very truly yours,

William M. Johnson
Executive Director

2. Efforts to Get Appointments

Because the Commission and City Council had already submitted a list of 17 names to the Mayor from which he was required to select seven (7), the commission was concerned that the passing of time would cause those previously interested in serving in this capacity to lose interest. In addition, even those who maintained their interest may further become occupied and be unable to serve when asked. In an effort to continue to cultivate interest, the active Commission members convened a meeting at the offices of Commission counsel, Montgomery, McCracken, Walker & Rhodes, LLP and invited perspective appointees to attend to become more familiar with the Commission's operation. The press release of October 15, 2004, reported on the results of this meeting:

"Commission Chair Robert Nix explained the move as "an effort to cultivate the interest of those desiring to serve." Nix added, by reaching out to these people, we have nurtured the spirit of volunteerism and at the same time given them a sense of the importance for the work being done here at the Commission" Nix added, "This was an important meeting for the Commission and the citizens of Philadelphia, since it has been more that a year and a half since the names were first delivered to the Mayor's Office. Our concern is that because of the delay, people may either lose interest in serving or circumstantially be unable to fulfill the commitment."

Indeed just that had happened to two prospective members, Mark Kahn, who had moved his law practice from Philadelphia, and a second, Sharham Siddiqui, cited scheduling changes, for his being unable to fulfill the commitment to serve.

With the passing of time, the Commission formulated new strategies to obtain appointments. By this time, various community groups, including the NAACP, ACLU, several state representatives, city council (resolution), private agencies and local media were likewise urging the Mayor to make the needed appointments. During this time several members of the Commission appeared on local cable television and radio to discuss the need for appointments.

In one of the final steps by the Commission to obtain the necessary appointments, a letter was sent to District Court Judge Stewart Dalzell, who was then monitoring the City's compliance with the settlement agreement in connection with the 39th District

lawsuit. The Commission respectfully informed the Judge of the lack of appointments, stated more fully as follows:

"The Mayor, unfortunately, has failed to make any additional appointments to the Commission since 2000, and has ignored all requests to do so, from both the Commission and City Council. As a result, the terms of all nineteen positions have expired, and the Commission has been forced to curtail operations severely by temporarily suspending scheduled hearings on citizen complaints. In addition, the Mayor shall appoint seven and two alternate members from a list provided by the City Council. The Mayor now has had that list since November 2003. As noted, currently, all nineteen positions on the Commission are vacant (fifteen Mayor direct appointments and four alternates). Six of the Commissioners continue serving voluntarily as permitted by the Executive Order while awaiting reappointment or replacement. Meanwhile, the Commission has exhausted almost all of its options in its efforts to urge the Mayor to make the needed appointments…The Commission believes that the City is violating the spirit of the settlement in simply allowing the Commission to "wither on the vine" for the Mayor's failure to appoint new commissioners. The Commission now respectfully requests that the Court recognize the Commission, and permit it to attend the next scheduled status conference of the parties to the Settlement in order to report to the Court on its plight and to seek relief."

The Commission believed that this effort would yield better results than a mandamus action, requiring the Mayor to respond. Its hunch was correct, on March 15, 2005; new appointments to the Commission were made.

3. Names of Appointees (dates and terms)

Police Advisory Commission-Membership List w/Terms

Appointments: All by Mayor, 8 Direct and 7 from city Council's Designees & 4 Alternates

By Mayor John Street

Direct: 10 New Appointments 5 reappointments (All Appointments Expire March 15, 2009)

B. Mayor's Direct Appointments (8)

1. Hugh Allen (resigned- May 2006)
2. Joi Spraggins, PhD.
3. Michael Weiss*
4. Abe Jordan
5. Albert Littlepage
6. A.J. Thompson
7. Adam Rogers, Esq.
8. Oscar Rosario

C. City Council Designee Appointments (7)

1. Ronald Burton, MSW, PhD. **
2. Reverend Robert Shine*
3. Robert Nix, Esq.*
4. Joseph Stapleton, Esq.*
5. Kathy Padilla (disqualified- April 2006)
6. Sara Baylor
7. Jill Henan***

D. Mayor's Alternate appointments (2)

1. Vacant
2. Vacant

E. City Council's Alternate Appointments (2)

1. Yingzang Lin, PhD. (Replacement appointment 2007)
2. Vacant

Term of Appointment is for 4 years (Alternates may complete the term of any member who is replaced)
*Reappointed
**Original member of the Commission appointed in 1994.
***Appointed by could not serve

4. Tribute To Out Going Commissioners

The Commission wishes to acknowledge the hard work and dedication of all of its former Commission members. Without their commitment to oversight, the citizenry of Philadelphia would not have an effective alternative forum for redress to citizen's complaints against police.

Here's to our outgoing members. Thank You All!

William T. Cannon, Esq. Chair

A 1970 graduate of Villanova University School of Law, Mr. Cannon is an attorney and Northeast Philadelphia resident whose experience includes litigation as a homicide prosecutor in the District Attorney's Office, where he was chief of Major Trials and Chief of Investigations. Mr. Cannon also retired from the U.S. Army Judge Advocate General Corps after 28 years of service. He has been a member of the Commission since 1994.

Charles V. Harris Vice Chair

Mr. Harris is a resident of Yorktown, who served 34 years with the Philadelphia Police Department, including the Civil Affairs Unit. He retired in the rank of Lieutenant. Mr. Harris served as a commissioner from 1994 to 2006.

Mary Ellen Krober, Esq. Vice Chair

Ms. Krober is a resident of East Falls, and an attorney with the U.S Postal Service. She formerly served as an assistant City Solicitor and Deputy Attorney General. Ms. Krober has served with the Commission as an alternate and then permanent member since 1994.

Dorothy F. Cousins

Ms. Cousins is a Mt. Airy resident with more than 30 years law enforcement experience. She retired from the Philadelphia Police Department with the rank of Inspector. Ms. Cousins also supervised investigations for many years while assigned to the Department's Internal Affairs Bureau, and the Philadelphia District Attorney's Office.

.

Jane Dalton, Esq. Member Emeritus

Ms. Dalton is a litigation partner with Duane, Morris LLP. Ms. Dalton served as Chair of the Commission from 1994 to 2001. She successfully created a Board united in the goal of creating a bridge between the police and the community from the diverse members of the Commission. She has spent countless hours on the work of the Commission, assuring that every citizen has an effective and efficient avenue for investigation and determination of complaints about alleged police misconduct, and that every police officer has a fair and independent review of such complaints.

Paul Uyehara, Esq.

Mr. Uyehara is a resident of West Philadelphia, and an attorney with Community Legal Services, where he represents low-income clients in bankrupt, mortgage foreclosure and language rights issues. He served as an Assistant City Solicitor, and on the Mayor's Commission for Asian/Pacific Affairs.

Carmen Marrero

Ms. Marrero is a Hunting Park resident, and a school counselor for the League of United Latin American Citizens. Ms. Marrero is a member of the National Association of Hispanic Journalists, and a Director of the Hunting Park Development Corporation. Ms. Marrero is a well-known and respected community advocate.

Vivian Ray, PhD

Ms. Ray is a resident of West Mt. Airy, and a licensed psychologist. She is a former Public School Administrator.

Novella Williams

A resident of Southwest Philadelphia, Ms. Williams is the founder and President of Citizens for Progress, and a winner of numerous national and local awards for community activism. She received the National Community Leader of the Year Award in 2000 from the National Council of Negro Women.

Anthony K. Holloway,
or Rocko, as he is known to most, is a lifelong Philadelphian who is currently the Director of Special Projects for the Philadelphia Anti-Drug/Anti-Violence Network (PAAN). Mr. Holloway is a former Supervisor of the Philadelphia Commission on Human Relations, and a Human Resource Development Specialist for the State's Heritage Affairs Commission. A graduate of LaSalle College, he has been a member of various Boards and Commissions, including the Belfield Advisory Council, Woodrock, Inc…

We would like to acknowledge the efforts of former councilmen Juan Ramos, David Cohen and Michael Nutter, as well as several other members of council who have continued to support the agenda of effective police oversight.

XI. Budget and Personnel

1. Budget

The Commission's FY09 operating budget, original appropriation was approximately $289,000, approximately the same as the Commission's operating budget for FY08. The Commission's operating budget was less than the previous year's budget appropriation. The Commission's budget has effectively decreased since it began operations in 1994. Requests for funding above the original appropriation, submitted now for the past fifteen years for the hiring of additional investigators and other personnel, have been denied.

Employees & Budgets				
AGENCY	BUDGET	# of Agency Staff	# of Sworn Officers	City Population
PAC-Phila	$350,000	6	7,000	1,463,281
CPRB-Pittsburgh PA	$443,000	8	1,036	316,718
Oakland CA	$1,107,000	6	766	395,274
San Francisco CA	$2,500,000	30	2,200	739,246
Miami-Dade FL	$520,000	5	3,096	386,417
CCRB-New York NY	$10,159,194	164	37,000	8,143,197
Washington DC	$1,750,000	20	3,800	550,521

2. Reorganization & Appointment of New Executive Director and Staff

Although the Commission's staffing remains at five full time employees, reorganization efforts implemented in 2004 modified the Commission's organizational structure. The new organizational structure was intended to lay a foundation for the Commission's becoming more technological in both its infrastructure and operations. The long-term objective is to make the Commission more effective through technology and other advancements. While caseloads continued to rise, operational resources remain unchanged. In June 2004, William M. Johnson, the former Deputy Director was appointed to the position of Executive Director following the resignation of Hector W. Soto in April. This appointment came at a critical time in the Commission's history. Many new initiatives were being instituted, but Mayor John Street had not appointed new Commission members, despite the fact that he had been supplied a list of potential candidates by City Council back in 2003. In addition, a provision of the Commission's executive order allowed for sitting members to continue serving until replacements were named, but the active membership had dwindled to only six. Indeed the Commission was in danger of going out of existence due to neglect. A continued focus on the issues and strong leadership was needed to navigate the Commission through these difficult waters. Any new or interim director without the historic knowledge of the Commission's struggles could easily lose sight of the numerous critical issues and cripple the Commission's effectiveness. Mr. Johnson's selection was both accurate and timely. He brought with him the critical understanding of the Commission's situation and a wealth of business knowledge, and skills to shape a solution. His first act as the newly appointed Executive Director was to incorporate the daily operations of the Commission into a management team by promoting from within.

As of June 2004, Kelvyn Anderson was promoted to the position of first Deputy Director. Kelvyn previously served as the Director of Information, taking a leading role in upgrading the Commission's internal technology. Mr. Anderson now is involved in executive management and helps shape the direction of the Commission, while retaining his role in technology upgrades.

Mr. Wellington Stubbs II was similarly promoted to the position of Chief Investigator, and was assigned to oversee all investigative work being performed at the Commission. His keen investigative skills, coupled with other executive responsibilities also contributed to enhancing the Commission's effectiveness.

As in the past, permanent staff was augmented during the year by "interns", who initially were placed by the Transitional Work Corporation, and more recently by Cite Business School. Both are agencies that provide welfare-to-work support services.

In addition to the reorganization, new personnel joined the Commission staff during 2005, Special Investigator Antonio Melendez, and in 2008, Special Investigator Russell Michael joined the investigative staff.

The Commission wishes to acknowledge the hard work and dedication of two former

employees who contributed to the Commission's work in 2005 to 2008; Special Investigator Ana Sostre and Special Investigator Antonio Melendez.

Executive Director William M. Johnson

Mr. Johnson was appointed to the position of Executive Director in June of 2004, after the former director Hector W. Soto, Esq. resigned. Mr. Johnson was hired in November of 1999 as the Chief Investigator. He comes to the Commission from private industry where he served as president and CEO of his own private investigation firm. In December of 2002, he was promoted to the position of Deputy Director and in June of 2004 to Executive Director. In addition to operating his own investigative firm, Mr. Johnson has worked as a consultant to various law enforcement agencies and has more than 25 five years of investigative and managerial experience in both the civil and criminal law settings. He has lectured on the topics of covert surveillance and investigative techniques. He received his B.A. in Political Science from Widener College, where he starred as all-conference performer on the NCAA National Championship Football team. He later pursued a professional football career with both the Philadelphia Eagles and the Dallas Cowboys. Mr. Johnson is currently pursuing an MBA. He is married with two children and comes from a family of Philadelphia Police officers including his father, a retired narcotics detective (deceased), his brother a Deputy Commissioner, and his nephew a Sergeant. He resides in Germantown.

Kelvyn Anderson, Deputy Director

A former Investigative Reporter for newspapers and magazines, Mr. Anderson worked as a private investigator for insurance companies and attorneys for five years before joining the Commission as a Special Investigator in November 2000. He also worked as a Congressional Aide for the late Thomas M. Foglietta. Mr. Anderson attended Temple University's School of Journalism, and received numerous awards for in-depth reporting on police and government issues. In November 2001, Mr. Anderson assumed responsibility for the Commission's website, databases and computer systems. In July of 2004, Mr. Anderson was promoted to the position of Deputy Director. He has served as a board member / web master for the National Association of Civilian Oversight of Law Enforcement (NACOLE). Mr. Anderson is married with two children and is a resident of West Philadelphia.

Chief Investigator Wellington Stubbs II, MBA

A graduate of Temple University, Mr. Stubbs has worked as an investigator for the past 18 years, including three years as an undercover agent in New York City, and 15 years with the New Jersey Insurance Fraud Bureau, where he was instrumental in the creation of the rate-evader unit. Mr. Stubbs served six years in the 5th Special Forces Group. He began his career at the Commission in March 2002 as a Special investigator. He was promoted to lead investigator in July of 2003 and to the position of Chief Investigator in July 2004. Mr. Stubbs holds a bachelors degree in Criminal Justice from Temple, and a Masters Degree in health care administration in 2005. He is married and resides in Southwest Philadelphia.

Administrative Assistant Jeanette Bennett

Ms. Bennett is a resident of West Philadelphia. She has worked for the City of Philadelphia since 1989, first with the Finance Director's Office as a clerk typist, and then with the Department of Recreation. Ms. Bennett began working for the Commission in 1994 and was promoted to the position of Administrative Assistant handling all Commission paperwork and correspondence. She is the Commission's senior staff member and its resident historian.

Antonio Melendez, Special Investigator

Mr. Melendez was hired at the Commission in August 2005 to fill the need for a bi-lingual investigator. Mr. Melendez served in the U.S. Army (active service) for 15 years and has served as a reserve for the past 6 years. He was previously employed as a Police Officer in Puerto Rico assigned to the undercover narcotic unit in Ponce, Puerto Rico, and then to the Special Arrest Unit where he distinguished himself and finally transferred to the escort unit for the governor of Puerto Rico, Carlos Romero-Barcelo. He is a graduate of Interamericana University in Guayama, Puerto Rico with a major in criminal justice, and the Police Academy of Puerto Rico in 1995. Mr. Melendez is married with 5 children and he resides in the Juniata Park section of Philadelphia.

R. William Michael, Special Investigator

Mr. Michael has worked as an investigator with the Commission since 2008. He holds a degree in criminal justice from the University of Phoenix. A former resident of Phoenix, AZ, he is married and has resided in Northeast Philadelphia for the past six years.

3. A Tribute to Former Executive Director Hector W. Soto

Former Executive Director Hector Soto

Mr. Soto has been involved with police oversight and related police-community relations issues as an attorney since 1979. Before his appointment to the Commission as Executive Director in 1998, he served as the Executive Director of the New York City Civilian Complaint Review Board from 1994 to 1996. Mr. Soto also served as the Department Advocate for the NYPD from 1992 to 1994. He also spent five years as a staff attorney for the Puerto Rican Legal Defense and Education Fund. To assess his role as the former Executive Director, and what his involvement meant to the Police Advisory Commission, we could devote several sections of this report to, however, what has become clearly evident about Hector was that his input and leadership charted a clear course for the future direction of the Police Advisory Commission. Hector successfully headed New York City's Citizen's Complaint Review Board from 1994-1996. His role was instrumental in the investigation and findings in the Antonio Rosario/Hilton Vega case, which alleged a gangland style murder of the two men by New York City Police Officers. One of the accused officers was a former bodyguard to then Mayor Rudolph Guilanni. The case was turned into a successful documentary entitled "Justifiable Homicide".

Despite the continued criticism by the Guiliani administration in the wake of findings against these officers by the CCRB, and after several unsuccessful attempts to undermine the agency's budget, Hector continued to carry the New York City Civilian Review Board forward until mounting political opposition against him personally, forced him out. Undaunted by the continued criticism from the Giuliani administration, and the attempted political assignation, Hector accepted the position of Executive Director in Philadelphia in July of 1998. By accepting the position in Philadelphia, Hector would be reunited with one of his most staunch opposers, Police Commissioner John Timoney, whom he had known from his days with the New York City Police department. Timoney, now the Police Commissioner in Philadelphia had long opposed the idea of civilian oversight, especially when such efforts were headed by his nemesis from New York. However, overtime, both men came to respect one another for their toughness and dedication to their respective jobs. Hector's attention to detail and uncompromising nature proved a valuable asset in the matter of Marvin Hightower. When target officers in this matter, on the advice of their Fraternal Order of Police (FOP) attorney, refused to testify before the Commission at a misconduct hearing, Hector quickly responded by

firing off a letter informing Commissioner Timoney of the violation of his general order 1253, requiring all sworn officers to cooperate fully with the Commission. Commissioner Timoney quickly responded by sending the officers back to give full and complete testimony, a victory for the Commission, and a thwarting of a collaborative effort by the union and its legal counsel to circumvent the Commission's process. Other challenges continued to plague the Commission, particularly, why the police department would not accept any of the recommendations made by the Commission. In each response, there seemed to be some thinly veiled technicality that made acceptance of the Commission's recommendations impractical or untimely.

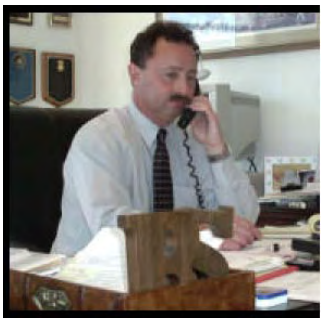
While some of the open criticism about the Commission's timeliness have been sighted as a reason for the department's refusal to follow recommendations, in reality, much of the delays were caused by the departments own antiquated system of informational exchanges, its slow, inadequate investigative practices, and its general reluctance to cooperate with the court ordered process.

Fortunately, with the changing of the department's top brass, more forward thinking administrators have improved the process, part of which involved an overhaul of the Internal Affairs Division. The department has since begun implementing many of the Commission's recommendations. However, Hector outlasted both Commissioner Timoney, who resigned in the wake of his department's failure to discipline two high ranking police officials for DUI and its attempted cover up, and the FOP's legal counsel, who was fired when a new union president took over. The rigors and stresses of running an independent civilian oversight agency eventually took its toll on Hector, and with his roots still in the New York area, Hector resigned as Commission Executive Director on April 30, 2004. He was succeeded by his former Deputy Director William M. Johnson. Hector's dedication, commitment, drive and vision are what helped to establish the Philadelphia Police Advisory Commission as one of the premier civilian oversight agencies in the country. His efforts, along with that of the many dedicated Commission members and staff, are largely credited for the direction, success and respect that the Commission enjoys today. He will be missed!

4. Commission Legal Counsel

As a city agency, the Commission is officially represented by the City Solicitor for most external legal matters. However, because of its status as an independent entity, the Commission has always had private counsel for its day-to-day consultations on operational and police matters, and the conducting of Commission hearings. From its inception in 1994, the Commission has been privileged to have its private legal representation provided primarily as pro bono service by the prestigious Philadelphia law firm of Montgomery, McCracken, Walker & Rhoads, LLP.The Commission thanks lead counsel Michael Hayes, Esq., of the firm of Montgomery, McCracken, Walker & Rhoads, LLP and associate counsel Virginia Chentis, for their fine representation during the past few years. The Commission also acknowledges and thanks former associate

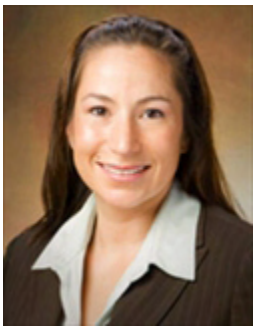
Commission counsel Dennis Young, who left Montgomery, McCracken at the end of September 2008.



Richard Scheff, Esq.

Michael Hayes, Esq.

Lead Counsel



Virginia Chentis
Associate Counsel

X. Performance Management and Measurements:

What Makes Civilian Oversight Effective?

The purpose of establishing performance management and measurements goals is to identify the measures and categories of relevant performance indicators, which can be utilized to evaluate the effectiveness of Civilian Oversight in Philadelphia.

For the purpose of this study, it is necessary to distinguish between performance measurements and management. While both go hand in hand in evaluating the effectiveness of the oversight operation, each is a distinctively different approach linked to that evaluation.

Performance measurement is the systematic creation of goals and objectives designed to assist in measuring the implementation and effectiveness of various aspects of the oversight mechanism, and can be utilized to provide public accountability of the agency itself.

Performance management is the steps taken to ensure that the identified goals and objectives are being met.

There have been numerous discussions on how such indicators may effectively measure the performance of oversight agencies[1]. Should the increase or decrease of complaint filings, for instance, be part of the criteria for measuring effectiveness? Indeed, when examined from various perspectives, legitimate arguments can be made to support either conclusion. Therefore, it is critical to develop methodological criteria and accompanying objectives based on the model of oversight[2] being employed.

Some of the general methodology for gauging effectiveness of the Philadelphia model will be timeliness, disposition, and satisfaction. Statistical compilation is also an effective tool for determining exacting how complaints flow through the process and in establishing their point of origin. This will help the agency determine where to apply its resources in bringing redress to civilian complaints, but also in changing community perspective about Police investigations of high profile incidents (i.e. fatal shootings by officers.).

The process for gauging oversights effectiveness is based in large measure on empirical evidence. Therefore, police agencies must continue to evolve as they employ new methods and best practices in fighting crime. Notwithstanding, the ability to identify misconduct and to publicize performance, establishing pertinent criteria

---

[1] See 2007 study by Beth Anne Mohr (The use of measurements in the civilian oversight in the United States.)

[2] Civilian oversight mechanisms vary from city to city. Internal Police Monitors, External Oversight Agencies, Boards, Commissions, and Ombudsman are several of the different types of oversight in existence today. The more popular type being developed is the board model, which consistently maintains greater powers including investigation, auditing and subpoena power to compel testimony, and is the model utilized in Philadelphia.

relevant to community confidence in the oversight process is likewise critical to evaluating its effectiveness.

Performance measures related to the Police Advisory Commission is not without precedence. The Commission regularly reports on its activities to the public by means of an annual report. However, in order to evaluate the effectiveness of its own internal process, a performance study was undertaken. The 2008 study focused on the fiscal year 2004, a time when the agency functioned with a full compliment of staff, and its most significant budget appropriations though it continued to be hindered by a lack of sufficient funding. The study proved valuable, although the statistical information gathered was never analyzed with a view to establishing the optimum level of funding necessary for the agency to achieve maximum efficiency.

Results from such studies are routinely utilized to set standards for timetables, targets and deadlines which will allow the investigative results to be considered as a part of the disposition process. The Police Advisory Commission's 2008 study was based solely on the data available to the Commission. Since the Commission is only able to determine the outcome and timetable for every complaint investigation conducted in conjunction with Internal Affairs, and not what IAD does, its numbers can only reflect an analysis of the available data from its own process. While these do not constitute a complete review of all complaints filed, they are helpful in assessing standards for a timely review of all complaints filed with the Commission.

While there are numerous categories reported on, the following figures illustrate the internal performance evaluator for the Commission. In the previous years, the Commission established a reliable method of reviewing complaint investigations through analysis, to determine where improvements were needed. The results of this study established criteria for the total number of complaints filed during the year; the number accepted by the Commission for investigation, the number rejected, the disposition of each completed investigation, and their timetable for completion. During FY 2004, ninety-nine complaints were accepted and of that figure, fifty-six were accepted for full investigation. During FY 2004, ninety-eight cases were closed and of that number, fifty-eight were completed investigations. These figures represent the work of two special Investigators and the Chief investigator[4]
Almost 60% of all cases closed at that time were being fully investigated; 85% of all completed investigations had some recommendation or finding included; 68% of the findings by the Commission concurred with the Internal Affairs investigation though some differ by terminology and outcome. (I.e. A not sustained finding means that the allegation can neither be proven nor disproved, and usually leads to officer exoneration. Exonerated means that the officer acted within his legal authority and that the action taken was proper based on the circumstances. This aspect of officer exoneration differs

[4] This is a full compliment of investigative staff including a Chief Investigator who managed cases and carried a small caseload

from the Commission's standard. In the Commission's process other factors are reviewed to determine if exoneration of the officer is warranted.) Unfounded complaints (according to IAD) suggest that the incident may never have occurred and usually results in officer exoneration. This is slightly different from the Commission's definition, where the incident may have occurred, but not in the manner alleged by the complainant. Sustained, means that the investigation found the allegations to be true or that the officer actions were inconsistent with departmental policy, directives, procedures or State and/or Federal laws.

Withdrawn complaints mean that the Complainant has decided to no longer pursue the allegations against the officer. Other factors that can lead to case closure are abandon complaints that result when the Complainant cannot be found to follow up with proper investigation. Uncooperative complainants are persons whose whereabouts are known, but do not wish to cooperate with the process.

The ninety-eight (98) closed complaints were broken down in the follow method: nine complaints were withdrawn, two abandoned, one uncooperative, twenty-five sustained, fourteen not sustained, two concilated[5], twenty-six administratively closed with no findings, four moved from investigation to auditing, fifteen cleared by paperwork[6]. There were also five panel hearings conducted during FY 2004. In addition, a comparison of the time taken to complete all of the investigations in 2004 averaged out to about seven months per case. This represented a decrease from the previously established time frame of eleven months for case completion.

This decrease was directly correlated to the increased turnaround time in obtaining IAD paperwork on complaint investigations, and the Commission's ability to operate with a full complement of staff.

PERFORMANCE OBJECTIVES AND GOALS

After an exhaustive review of a number of possible performance standards, we established a group of performance measurement that we believe would accurately judge efficiency and effectiveness of the Police Advisory Commission.

Time of Completion of Complaint Investigations: The time factor, connected to the completion of investigations must always be considered in assessing the effectiveness. This is noteworthy because different complainants and the community must recognize that the process works in order to be willing to access it. Timely investigations allow for the consideration of the Commission's recommendations as part of the possible factors in the resolution of the complaint. It also empowers the community to take an active role

[5] Conciliation is an informal process of complaint resolution involving the complainant and the Commanding officer of the target officer. Upon resolution the investigation is truncated. The collective bargaining agreement prohibits an officer that is the subject of a complaint to meet with or offer an apology for actions taken in his official capacity as a Philadelphia Police Officer. (See ACT 111)

[6] The Police paperwork clarified the officer's action and removed the basis for the complaint.

in Policing and oversight when results are expedient and observable. This is particularly salient in high-profile incidents or initiatives such as "Stop and Frisk." Investigations that stagnate, affect the involved officer(s), the community's interpretation of fairness, and the perception of the victim or their family who may be contemplating legal action.

Goal: A six-month period for completion all complaint investigations. This goal will be specifically linked to the ability to create a more effective method of an informational exchange and notification, which will increase the turnaround time for receiving police department information and notification of scheduled officer interviews.

The Number of Complaints Filed Annually: While this category may not be a significant factor for consideration in other cities, Philadelphia has traditionally had a low number of complaint filings when compared to even smaller markets. Preliminary surveys conducted by the Commission into the accessibility of the IAD complaint process revealed several irregularities, which may be, affecting complaint filings, including requiring complaints to provide identification, or facts of the incident before completing the form[7]. In any case, a comparative review of the number of complaint filings and its affect on the efficacy of the process should be included.

Goal: The Commission has traditionally received about 1/3 of all citizens complaints filed. A recent study by the Commission identified the number of jurisdictional complaints to be about 40% of all complaints filed annually with IAD or about 240-280 filings in 2008. This should be the goal for Commission filings based on the total number annually.

The Number of Complaints Closed Annually: While this will assist in measuring the time factor involved in investigating these incidents, it will also evaluate the diligence of the investigator and the ability to track accurately each complaint to completion.

Goal: Although the Commission has never had the appropriate number of staff to adequately address the number of complaints filed, complaint closures in 2004 was about 55%. This is a legitimate starting point until we are able to collect more extensive data.

The Disposition of the Complaints: The disposition of each complaint is important to the Community perspective of the efficacy of the process. Individual complaint disposition will affect consumer satisfaction with the process and whether or not they would utilize the process again or recommend it to someone else.

Goal: The disposition of complaints must continue to be reviewed in light of each individual case and the facts contributing to the alleged misconduct. Historically, these dispositions (or lack there of) have become the flash points for change.

[7] See section VI, Study: Police District Surveys

Stakeholder Satisfaction (both Officer and Civilian): This category is closely linked to complaint disposition. Surveying the satisfaction levels of both police and community assist in identifying what parts of the process are effective and whether or not the investigation was conducted in a fair and impartial manner.

Goal: Stakeholder satisfaction is likewise valuable in measuring effectiveness. While the Commission recently reported a 98% satisfaction rate among complaint filers, it has never attempted to measure the satisfaction of the police department. Anecdotal evidence such as the number of active officers willing to file complaints with the Commission, as well direct referrals as either a safeguard or in lieu of the IAD process has occurred, but no statistical evaluation ever undertaken. Such an undertaking may well be fruitful and could be conducted by objective educational institutions like the University of Pennsylvania, Temple University, or a civil rights advocate, like the Public Interest Law Center of Philadelphia.

Police Department's Internal Improvements: While the Police Department has continually endeavored to improve on its ability to fight crime and in the process better service the community, many of its reforms are directly related to recommendations by external entities like the Police Advisory Commission. While it is futile to expect the police department formally to recognize any agency outside of itself as having had any significant impact on its internal changes, such mechanisms are necessary, not only to point to the problems, but also to act as a bulwark against future incidents of police abuse or corruption.

Goal: Continued improvements in the police department's processes and procedures can be measured by its acceptance of the Commission's initiatives including a mediation proposal.

Oversight Agency Inclusion in Departmental Initiatives: The Police Advisory Commission must continue to work toward inclusion in Police department initiatives. While the Commission has experienced recent success with several projects, Crisis Intervention, Language Access, Citizens Informational Bulletins, monthly meetings with Internal Affairs, and an invitation to the roll out of the Commissioner's Crime plan, it must continue to seek even greater inclusion into the process. Such inclusion provides an accurate indicator as to how Oversight is viewed by the Police Department and its belief in the agency's objectives and management.

Goal: A continued level of cooperation and invitations to engage in other police department initiatives and joint projects will also help in assessing the effectiveness of Civilian Oversight.

Conclusion:

The Police Advisory Commission has established these baseline goals for performance measurements as it moves forward in its oversight mandate. As time and circumstance dictate, we must be prepared to adapt operations to the ever-changing climate of Police oversight and accountability.

XI. PPD Progress Report:

1. Engaging the Community

In order to reduce the levels of crime significantly, the police department has worked to engage the community in its crime fighting efforts. However, there continues to be a need to develop real partnerships, where the community, as stakeholder, becomes valued contributors to the crime-fighting strategy. People traditionally alienated from their local districts must begin to feel confident in the department's ability to address the ongoing problems plaguing their neighborhoods. Local police must get to know not only the players in crime, but also the law-abiding citizens who can act as aids to their efforts. Far too often, the Commission has received reports from people who want to assist in the crime-fighting efforts, only to be targeted by criminals because police had failed to provide the needed support to these individuals. Local PDAC programs, along with Operation Town Watch can support local police in successfully identifying problem areas, in our communities. Local residents should be encouraged to engage the opportunity to work with police through these mechanisms.

Crime victim's information is another area of concern for police. While certain kinds of information may not be immediately available, family members of crime victims should be receiving accurate official information from a reliable police source.

2. Employing Technology

An increased flow of current crime data to town watch or other civil minded groups can go a long way toward aiding police in this problem. Communities that understand their problems can provide real-time information about incidents to aid Police in the apprehension and arrest of criminals.

Philadelphia is just starting to experience the benefits of the deployment of video cameras as a deterrent in crime-riddled communities. This is not a new concept and has worked successfully in countries outside of the United States. Properly screened and trained community members (Town Watch members, retired law enforcement, and concerned citizens) will assist in controlling the cost of monitoring these cameras. This allows law enforcement effectively to focus their resources. In addition, the creation of a non-emergency response mechanism has reduced the number of calls to the 9-1-1-system.

Employing the use of on board video cameras in police vehicles can also assist the department by capturing useful information in several areas (vehicle and pedestrian investigations, training, deterring misconduct).

3. Employ Best Practices / Study What Works

The police department must work more closely with civilian oversight in the study and review of incidents affecting either the department or the community. The Police Advisory Commission will continue to expand and broaden its functions to assist the

department in the collection, analysis, and review of incidents affecting either the community or the police department. The Commission will also continue its ongoing agenda of analyzing best practices employed around the country; and will continue recommending ways to improve accountability and community relations here in Philadelphia.

The Commission commends the police department on its policies and practices as there can be no doubt that the trend of the last few years has moved toward greater accountability. Police-Community relations are being positively impacted by the continuing interest and commitment of the police department and its leadership; through training and sensitizing of police officers concerning their actions toward the public. A significant accomplishment has been the reductions in overall crime, even as the department has undertaken a move toward greater accountability. Large-scale anti-crime initiatives, including the controversial tactic of "Stop and Frisk" has reduced the number of illegal guns on city streets and measurably the number of homicides in Philadelphia in 2009.

The Philadelphia Police Department continues to improve its internal operations and has worked cooperatively with the Police Advisory Commission in providing greater accountability to its officers. The Office of Professional Responsibility has continued closely monitoring the disciplinary history of at risk officers who exhibit a pattern of conduct offensive to the general public. Where appropriate, they have conducted interventions designed to educate officers in the most effective methods of policing, while avoiding conduct that tends to erode the relationship between Police and the general public. The Office of Professional Responsibility, which oversees Internal Affairs, has begun examining other methods of accountability by establishing a clear and consistent standard for violations of directive 1.11, making a false statement in connection with an official departmental investigation, and 1.12, failure to cooperate in an official departmental investigation. In years past, these two violations were enforced sporadically at best.

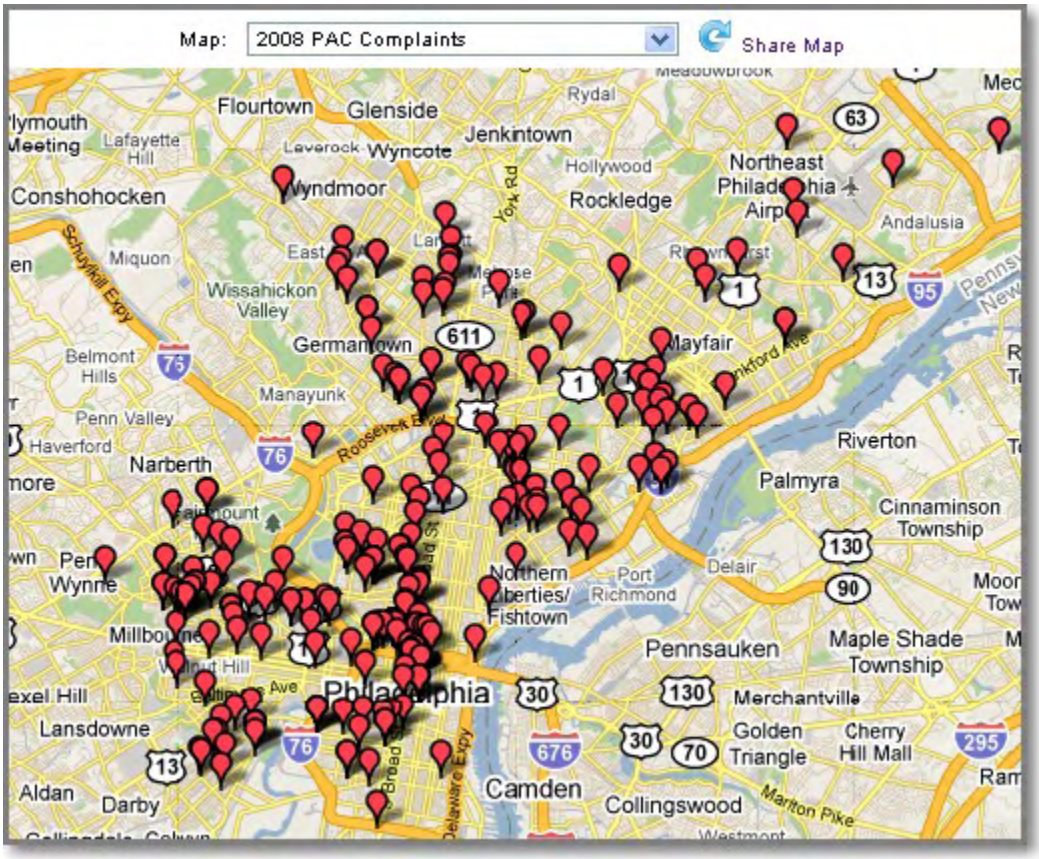
XIII. Summary & Closure

The Commission enjoyed another extremely productive and noteworthy year in 2009. The continuing high number of filed complaints and inquiries by the public speaks well of the Commission's continuing community outreach and education efforts. Similarly, the enhanced press and media coverage during the year of the Commission and its activities also validates the Commission's community outreach and education efforts. The Police District Survey results suggest further effort on the part of the Police Department to insure that every citizen of Philadelphia may file a formal complaint if necessary, without interference or denial. The next year should reveal an even more coordinated community outreach and education effort including utilization of the Commission's website. The new year should also see a further infusion and development of technological capacity at all operational levels of the Commission as well as redefinition of how the Commission can better offer and provide its services to

the communities and Police Department of Philadelphia. There remains one caveat, as noted by the Mayor's Task Force on Police Discipline, the ability of the Commission to meet the challenges of the future will depend in no small measure on the support and recognition provided by the city administration and particularly, the Police Department. The Commission cannot fulfill its mission in a vacuum.

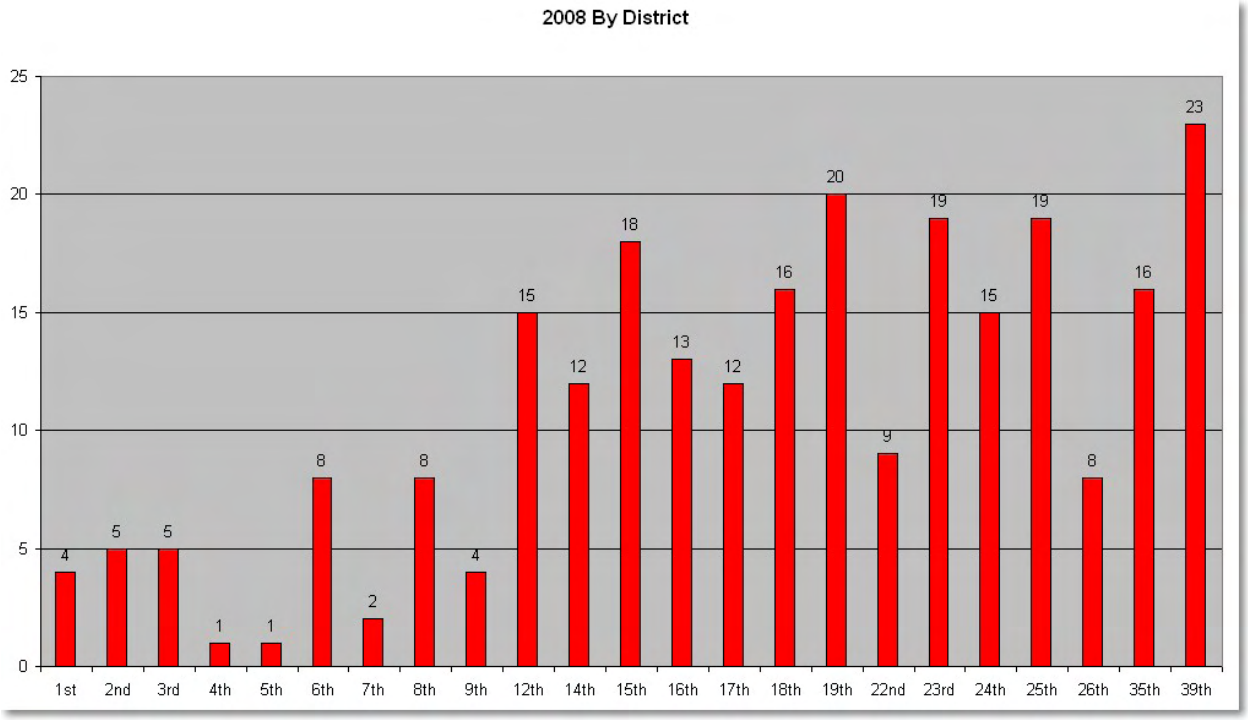
Police Accountability Starts With Oversight

XIV. Appendix

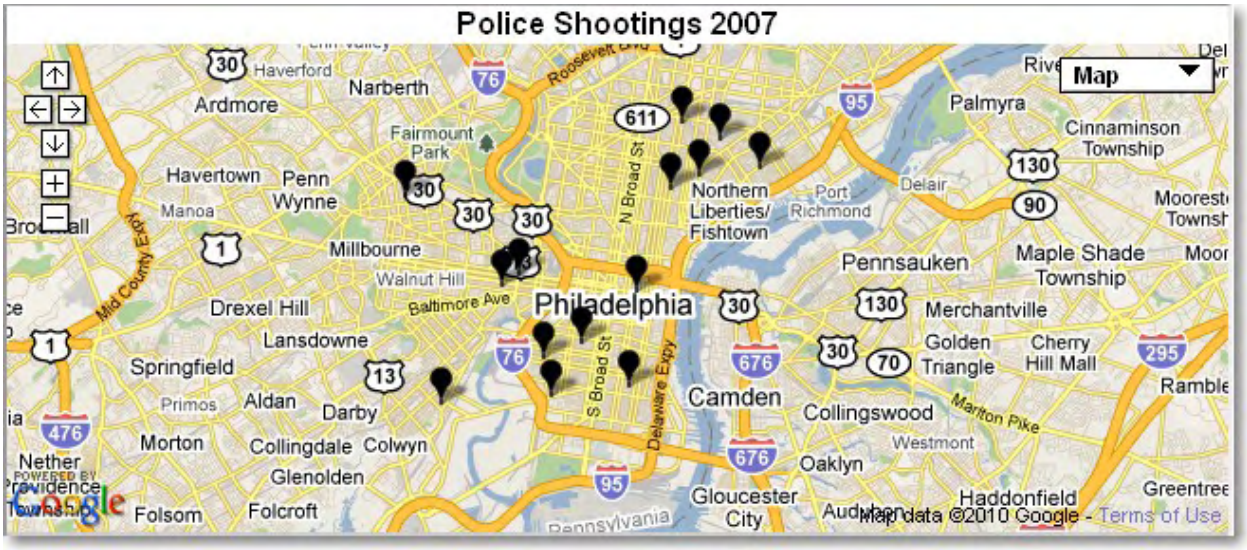


An interactive map of complaints filed with the Commission in 2008 is available. The map will be updated as additional data becomes available. It currently depicts the location and race of each complaint filed.

PAC Complaints by District 2008

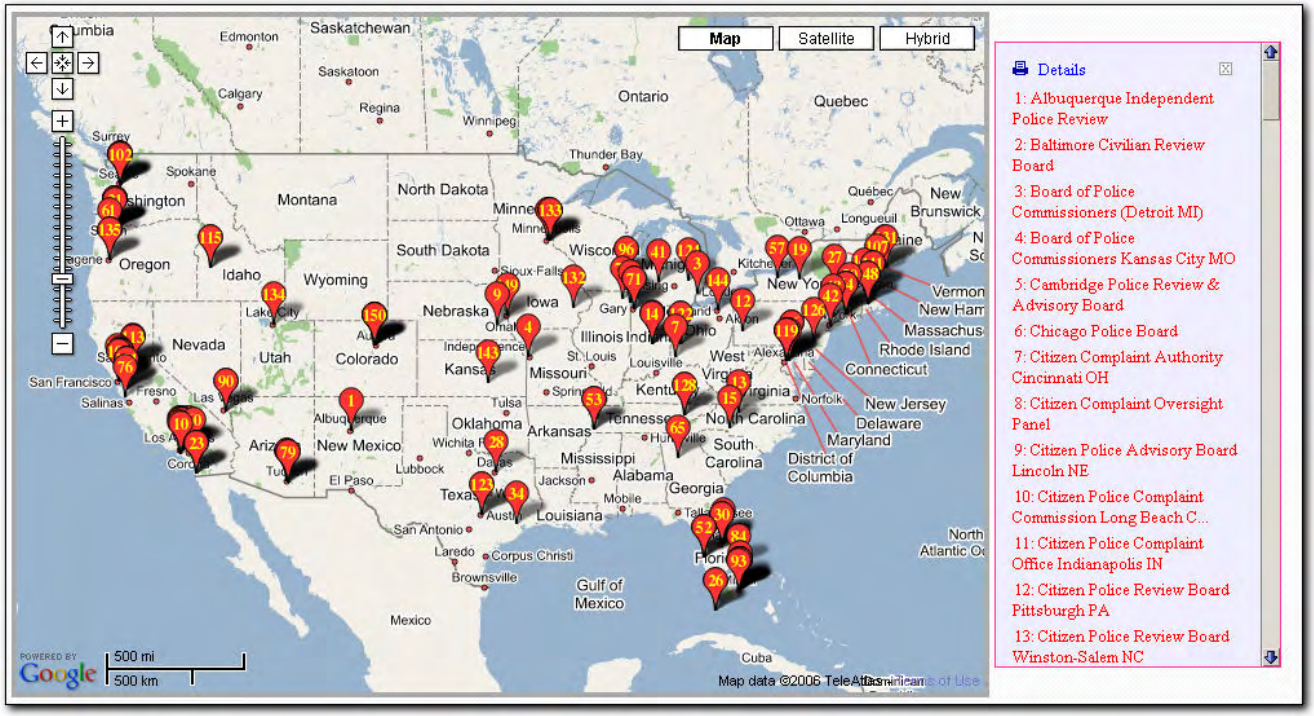


PPD shootings 2007 (justifiable homicide)



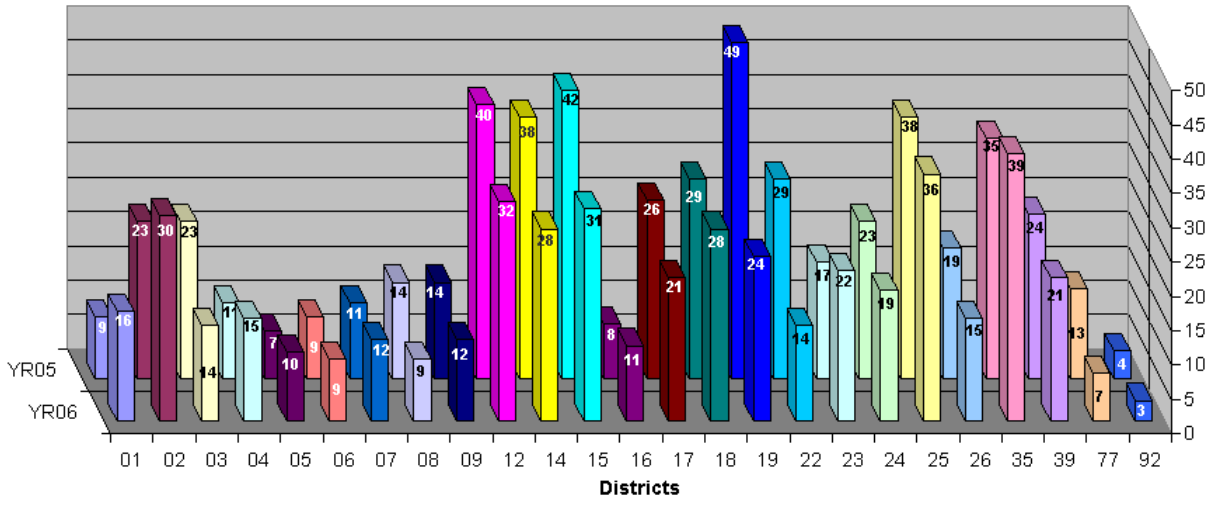
[An interactive map of civilians killed by Philadelphia police officers is available.]

US Police Oversight Agencies



- **<u>National Census of Oversight agencies</u>** - The Commission is one of **approximately 130 Boards, Commissions, Auditors, Monitors and Ombudsmen** with law enforcement oversight responsibility in the US. These agencies are concentrated in medium-large cities concentrated in the east and west coast.
- **<u>Powers & Duties -</u>** Vary greatly among these agencies and individuals. The Police Advisory Commission's enabling legislation includes subpoena authority, the ability to conduct independent investigations, and to hold public hearings on both individual and policy matters. These hybrid features allow the Commission to look at both the forest and the trees, i.e. we have a great deal of latitude in terms of responding to individual instances of misconduct and larger policy issues. Cities with hybrid components of oversight similar to Philadelphia include Seattle, WA, Tucson, AZ and Denver CO.

Complaints Filed by Police District 2005-2006



(Data Source: Philadelphia Police Department, Internal Affairs Bureau)

Philadelphia Police Department District officers received **478** complaints in 2006, a 14% decrease from 2005. The 19th and 22nd Districts were the subject of 24 and 14 complaints respectively, less than half of the number received in 2005.

Districts	YR05	YR06	%change
01	9	16	78%
02	23	30	30%
03	23	14	-39%
04	11	15	36%
05	7	10	43%
06	9	9	0%
07	11	12	9%
08	14	9	-36%
09	14	12	-14%
12	40	32	-20%
14	38	28	-26%
15	42	31	-26%
16	8	11	38%
17	26	21	-19%
18	29	28	-3%
19	49	24	-51%
22	29	14	-52%
23	17	22	29%
24	23	19	-17%
25	38	36	-5%
26	19	15	-21%
35	35	39	11%
39	24	21	-13%
77	13	7	-46%
92	4	3	-25%
TOTAL	555	478	-14%