

# **THE ANNUAL REPORT OF THE PHILADELPHIA POLICE ADVISORY COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 1994**

Pursuant to the Philadelphia City Charter, the Police Advisory Commission (the "Commission") is herewith submitting its Annual Report for the fiscal year ending June 30, 1994.

## **I. INTRODUCTION**

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

The Commission has taken significant steps towards fulfilling its mandate, including:

- Conducting an extensive orientation program for Commission members designed to familiarize them with police procedures and the experience of similar advisory bodies in other cities throughout the nation;
- Conducting a series of public forums across the City in which citizens told the Commission of their concerns and expectations as to how the relationship between communities and the Police Department may be improved;

- Preparing by-laws and procedures for evaluating citizen complaints and conducting investigations; and
- Selecting an Executive Director to oversee the Commission's investigative staff and prepare recommendations for the Commission.

## II. THE COMMISSION MEMBERS

The Commission's fifteen members and four alternate members were selected by Mayor Rendell and City Council to reflect the City's geographical, racial and ethnic diversity, as well as a broad spectrum of professional backgrounds, and all share a common commitment to fulfilling the Commission's mandate. The Commission members include:

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|--------------------|----|---|
| W. Bruce Beaton    | -- | a resident of Northeast Philadelphia and the president of a Philadelphia-based insurance agency.  |
| Irene Benedetti    | -- | a resident of South Philadelphia and affiliated with the Temple University Institute for Survey Research. Ms. Benedetti serves on the Mayor's Commission on Sexual Minorities and on the Board of Directors of the Crime Victims Services of South Philadelphia.    |
| Dorothy F. Cousins | -- | a Mt. Airy resident with more than thirty years experience in law enforcement, primarily with the Philadelphia Police Department where she retired with rank of Inspector and supervised investigations while assigned to the Department's Internal Affairs Bureau. |
| Jane L. Dalton     | -- | a Chestnut Hill resident and a litigation partner with the Philadelphia law firm of Duane, Morris & Heckscher.  |
| Eddie T. Graham    | -- | a Mt. Airy resident and founder and coordinator of his neighborhood Town Watch.   |
| Charles V. Harris  | -- | a Yorktown resident who served thirty-four years with the Philadelphia Police Department, including with the Civil Affairs Unit.  |

- Bruce W. Kauffman -- a Center City resident and Chairman of the Philadelphia law firm of Dilworth, Paxson, Kalish & Kauffman. Mr. Kauffman is a former Justice of the Pennsylvania Supreme Court and served on the MOVE Commission.
- Carmen M. Marrero -- 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.
- Kevin M. Pasquay -- a Port Richmond resident and a financial auditor and consultant.
- Juan F. Ramos -- a West Kensington resident and a superintendent with Cleveland Environmental Services, a member of the 26th Police District Advisory Council and founder and president of the Puerto Rican Alliance.
- Vivian Ray -- a West Mt. Airy resident, a former public school administrator and licensed psychologist.
- Paul M. Uyehara -- a West Philadelphia resident and a lawyer with Community Legal Services where he represents low-income clients in bankruptcy, mortgage foreclosure and child custody issues. Mr. Uyehara served as an assistant city solicitor and on the Mayor's Commission for Asian/Pacific American Affairs.
- Novella Williams -- a West Philadelphia resident and organizer of the Black Womens' Crusade Against Vice, Crime and Corruption in West Philadelphia.
- William Wood -- an East Falls resident and an owner of Woody's Bar and Restaurant in Center City.

The four alternate Commission members are:

- Ronald A. Burton -- an Overbrook resident and president of the Center for Social Welfare Concerns, a national consulting firm.
- Rev. Jerome Cooper -- a North Philadelphia resident and Pastor of Berean Presbyterian Church at Broad and Diamond Streets.
- Mary Ellen Krober -- an East Falls resident and a senior lawyer with Buchanan & Ingersoll who formerly served as an assistant City Solicitor and Deputy Attorney General.

Judith Savitt -- a Center City resident and a retired elementary school teacher.

### **III. FORMATION AND ORGANIZATION**

Following an informal meeting on February 2, 1994 with Mayor Rendell, members of City Council and Police Commissioner Richard Neal, the Commission convened to elect acting officers and plan the Commission's start-up. Jane Dalton was elected the Commission's acting Chair and Novella Williams was elected acting Vice-Chair. The Acting Chair established three committees, the Orientation Committee, the Personnel Search Committee, and the Operating Procedures Committee to direct the Commission's initial organization.

On April 14, 1994 the Commission elected its officers. Jane Dalton was elected Chair, Novella Williams Vice-Chair, and Juan Ramos as the Commission's Secretary. These three officers constitute the Commission's Executive Committee. The Chair, in consultation with the Executive Committee, established the various committees, as set forth in attachment "A" to this Annual Report.

### **IV. THE SEARCH FOR AN EXECUTIVE DIRECTOR AND A CHIEF INVESTIGATOR**

The Personnel Search Committee, whose members included Kevin Pasquay, Chair, Irene Benedetti, Ronald Burton, Dorothy Cousins, Jane Dalton, Bruce Kauffman, Carmen Marrero and Judith Savitt, conducted a nation-wide search and reviewed over two hundred and fifty candidates for the position of the Commission's Executive Director. On July 15, 1994, the Commission selected Charles P. Kluge, Jr. as its Executive Director. Mr. Kluge, who will direct the Commission's investigative staff and make recommendations to the Commission, is a native Philadelphian with twenty four years of investigative and administrative experience with the Federal Bureau of Investigations. During his tenure in the FBI's Philadelphia office, Mr. Kluge

served as Civil Rights Coordinator, investigating civil rights and discrimination complaints. Mr. Kluge assumed his official responsibilities on August 29, 1994.

Following review of the resumes of over 100 candidates, the Personnel Search Committee and the Executive Director selected Abel Garcia and Barbara Hines-Roach as its Investigators. Mr. Garcia, who is fluent in Spanish, is an attorney with six years of investigative experience in civil rights and police misconduct cases. Ms. Hines-Roach spent eighteen years with the Philadelphia Police Department, primarily in the investigative and intelligence gathering fields, and spent the last five years in the Intelligence Unit of the Pennsylvania Crime Commission.

#### **V. OPERATING PROCEDURES**

The Operating Procedures Committee was temporarily Chaired by Mary Ellen Krober until July 1, 1994, at which point William Cannon was appointed Chair, with additional committee members Juan Ramos, Charles Harris and Jane Dalton. To avoid a backlog, the Commission decided that it would only review citizen complaints regarding occurrences which took place on or after July 1, 1994. The Operating Procedures Committee developed operating procedures and a complaint form, in English and Spanish, which is available at the Commission's Office at 1600 Arch Street, 15th Floor, all Councilmanic Offices, and at the Mayor's Offices for Community Services throughout the City. Since July 1, 1994, the Commission has been accepting citizen complaints and implementing procedures for accepting those complaints.

## VI. PUBLIC INFORMATION COMMITTEE

The purpose of Public Information Committee is to educate the public on an ongoing basis as to the Commission's mission and duties and to organize an orientation program for the Commissioners. Committee members include: Eddie Graham, Chair, W. Bruce Beaton, William Cannon, Vivian Ray, Paul Uyehara, Rev. J. Jerome Cooper, Novella Williams, and William Wood.

The first task for the Public Information Committee was to provide the members of the Commission with the training necessary to effectively organize and operate the Commission. The orientation program has drawn upon three resources: the Police Department, experts in police abuse and its impact on the community, and the public.

- *Police Academy Orientation*

Approximately ten hours of orientation were provided at the Police Academy during February and March. The subjects covered included: the use of deadly force (including individual exercises in the Firearms Training Simulator -- "FATS"), internal investigations, discipline and the Police Board of Inquiry, and pursuit policy. Numerous police officers contributed their time and expertise to these sessions, including Police Academy Chief Inspector Joe Orbell; Lt. Jerry Daley, Firearms Training supervisor; Capt. John Gillin; Lt. John Gallagher, and other members of the Internal Affairs Division; Lt. Art Grover, Judge Advocate; and Lt. Herb Grofcsik, Training Bureau. Special thanks are due to Officers Jim Hayworth and Steve Omni, who met with Commissioners on several occasions to provide perspectives on the use of deadly force and to operate the FATS simulator.

- *Experts in Police Misconduct and Civilian Review*

Following a two hour overview in March, Commissioners attended twenty hours of classes hosted by the Temple University Department of Criminal Justice in April. This portion of orientation was organized by Prof. James J. Fyfe, a sociologist, 16 year police veteran, and nationally known expert on police abuse. The subjects covered were: the roll of police in society, proposals for reform, the purposes and history of civilian oversight, and policy and operational issues in organizing a civilian review board. In addition to Prof. Fyfe, the instructors included: David Kairys, a Temple University Law School professor and expert civil rights litigator; Major Dan Flynn, commander of the Professional Compliance Bureau of the Metro-Dade Police Department and a 20 year police veteran; Grover D. Howell, Deputy Director for Public Safety of the Times Square Business Improvement District, former member of the NYPD Civilian Complaint Review Board, and 18 year NYPD veteran; Wes Pomeroy, Esq., Director of Dade County Independent Review Panel, former Executive Director of the Detroit Civilian Review Board, former Berkeley police chief, and a founder of the International Association for Civilian Oversight of Law Enforcement; and John Clark, director of the Criminal Justice Training Center at Temple University.

Two other sessions, totalling approximately four hours, were staffed by other experts in police misconduct, including David Rudovsky, Esq., the leading abuse litigator in Philadelphia and Penn Law Professor; Karen Black, Esq., of the Public Interest Law Center of Philadelphia, a civil rights attorney who was instrumental in the creation of the Commission; and Will Gonzalez, Executive Director of the Police - Barrio Relations Project. The sessions, which took place in February and April, covered the history of police misconduct in the City, the demand for civilian oversight, and a critique of the existing police department complaint process.

- *Learning from the Community - Public Forum Sessions*

In order to introduce the Commission to the public and specific communities, and to present to the public the Commission's structure and function in an open forum format, the initial series of community meetings were held in a number of neighborhoods throughout the City. During those sessions, the members of the Commission also had the opportunity to learn directly from the community as specific concerns and problematic issues were addressed.

Area community meetings were held in the following locations: the Morris E. Leeds Middle School in Northwest Philadelphia, the Performance Center of Taller Puertorriqueno in North Philadelphia, White Rock Baptist Church in West Philadelphia, and St. Rita's Catholic Church in South Philadelphia.

Several recurring themes were gleaned from the comments, questions, and concerns expressed by community members during the open forum sessions. The following summary includes the most salient points:

- The need for the posting of signs and/or notices regarding the Commission in police district offices. Related to that concern was the request that Commission brochures and pamphlets be made available to the public in the district offices. The Commission will need to determine which foreign language translations would be appropriate to the various communities.
- The need for increased recruitment and promotion of minority police officers. Various minority groups felt that too few members of their specific community were represented at all levels of the police department. It was suggested that positive contacts with the community be initiated by both the police and the Commission, in addition to making officers more accessible in West Philadelphia and the Asian communities. Specific community groups should be identified and encouraged to work cooperatively with the police and the Commission.
- The need for enhanced training of police recruits and experienced officers to ensure that they are both knowledgeable and sensitive to different cultures. Also, there was the sentiment that some police officers treat all minority youth as drug dealers and criminals. The upper echelon of the police department must clearly

condemn racial and ethnic intolerance, along with intolerance directed against gays and lesbians, in both district practice and departmental policy.

- There were repeated references to the lack of police response and inordinate delays in obtaining police service in some neighborhoods. It was felt that frequently too few officers are on the street and criminal activities occur when police presence is lacking.
- The police department and individual officers should be given praise and credit for their achievements and accomplishments. In this regard, some recent efforts were cited:
  - Police trading cards as a community outreach tool
  - Some officers took a course in Vietnamese, on their own time, to facilitate communications with the communities
  - The initiation of the citizens' training course at the Police Academy

As the result of this first round of open forum meetings, the Commission members have a clearer understanding and better grasp of the issues and problems from the perspective of the various communities that were visited. Orientation was reciprocal in that the mission and responsibilities of the Commission were also articulated in a direct, forthright forum. Several concerns and sentiments expressed during the community meetings were somewhat beyond the purview of the Commission. Yet, many issues were presented which we may specifically address as part of our mandated responsibilities or through recommendation to the Police Commissioner and the Managing Director for corrective action.

- *Plans for the Future*

During the first fiscal year, the Public Information Committee also devoted many hours of work and meeting-time to lay the groundwork for future sessions intended to equip the Commission and its staff with the information necessary to effectively discharge our duties. One or more additional public hearings will be scheduled in different neighborhoods to introduce the

Commission to the community and to listen to suggestions as our operations gets underway. Individual commissioners will be made available as time permits to attend meetings of community organizations who are interested in learning more about the Commission. Other sessions will be scheduled from time to time for training or outreach purposes. The Public Information Committee has already met with representatives from several organizations who have submitted proposals for sharing their expertise with us.

**VII. PRO BONO COUNSEL**

The Commission determined that *pro bono* counsel was required to afford representation independently of the City Solicitor's Office, which defends police officers accused of wrongdoing. The City Solicitor approved our request for outside *pro bono* counsel and, following a search by the Personnel Search Committee, the Commission is pleased to announce the selection of James J. Eisenhower, Esq. of Montgomery, McCracken, Walker & Rhoads. Prior to joining the Montgomery, McCracken firm in 1994, Mr. Eisenhower had seven years experience with the Department of Justice prosecuting civil rights cases, including "hate-group" crimes, political corruption, and police abuse cases.

**VIII. CONCLUSION**

As a Commission we are very grateful for the diversity, commitment and thoughtfulness of each member. We emerged from our start-up process a strong, united group determined to fulfill our central objective -- to improve the relationship between the Philadelphia Police Department and the Community.