



**CITY OF PHILADELPHIA  
POLICE ADVISORY COMMISSION**

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**ANNUAL REPORT**

**Fiscal Year 1997**

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, 1997.

## **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.

## **II. REPORT OF THE CHAIR**

Fiscal year 1997 has been a year of consolidation and refinement for the Commission. Based upon our experience in the *DeJesus* public hearings, the Commission revised its procedures to provide for panel hearings. It was anticipated that panel hearings would provide a more effective and efficient procedure for cases where a public hearing is not warranted. The Commission has completed four panel hearings and sent its recommendations to the Commissioner. Although pursuant to Executive Order, the Commissioner has thirty days to respond to recommendations from the Commission, to date we have not been able to secure timely responses. We have made efforts to resolve this matter through the City Solicitor's office, but those efforts have been unsuccessful.

During the year, as set forth in the Report of Counsel, the Commission has, once again, successfully resisted numerous legal attacks by the Fraternal Order of Police. The Commission is fortunate to have and grateful for the *pro bono* legal advice provided by Richard L. Scheff, Esquire, James J. Eisenhower, Esquire, and Gerard M. McCabe, Esquire, of Montgomery, McCracken, Walker & Rhoads.

We are disappointed that the Mediation Program which the Commission has been working on for approximately two years is still not underway. We have discussed this matter with both Commissioner Neal and City Solicitor Stephanie Franklin Suber. However, the City has not identified a procedure where the Commission can notify the police officer of the opportunity to mediate without having a copy of the citizen's complaint forwarded to Internal Affairs, which would eliminate the incentive to the officer to participate. We are particularly disappointed because in the early stages of our formation, one of the programs which the

Mayor stressed to the Commission that he wanted to see implemented was the Mediation Program.

Your Chair, on behalf of the Commission, and counsel have initiated contacts with the plaintiffs in *NAACP, ACLU, PBRP v. City of Philadelphia*, Civil Action No. 96-CV-6045.

In addition, Commission members and staff have made many different contacts in an effort to continue our outreach program.

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

Counsel for the Commission has been active in representing the Commission during numerous challenges this year. The Commission continues to be represented by James J. Eisenhower, III, Richard L. Scheff, and Gerard M. McCabe on a *pro bono* basis from Montgomery, McCracken, Walker & Rhoads, LLP. The following summarizes the Counsel's activities between July 1, 1996 and June 30, 1997.

In February 1997, the Fraternal Order of Police (FOP) sought an injunction to prevent the Police Advisory Commission from conducting public panel hearings regarding alleged police misconduct. On February 25, 1997, at a hearing held before Judge Pamela Cohen, the FOP argued that the Commission was illegal and challenged the effectiveness of public panel hearings based on the alleged inequities demonstrated by the first public panel hearings in the *DeJesus* case. Judge Cohen ruled that public panel hearings were legal and the Commission subsequently conducted the first public panel hearing on February 27, 1997. Since then, Counsel and the Commission have conducted a total of four public panel hearings and issued recommendations to Police Commissioner Neal regarding alleged police misconduct.

In April 1997, after months of negotiating with the City Solicitor's office, the Commission issued subpoenas to Philadelphia police officers to be questioned at the Commission's operating offices located at 1600 Arch Street, Philadelphia. On April 29, 1997, the FOP filed a petition to prevent these interviews from taking place at the Commission's offices. The FOP argued that the Commission had no right to compel officers to be questioned at the Commission's offices and that officers should only be compelled to be questioned in front of the Internal Affairs Division (IAD). Judge Pamela Cohen denied the FOP's petition and the FOP filed for a rehearing. At reargument in front of Judge Mary Colins, the FOP's request for an injunction was again denied. The Commission then began compelled interviews of police officers at its operating offices and is currently conducting interviews of police officers in police misconduct cases.

Additionally, in April 1995, the FOP filed a charge of unfair labor practices against the City of Philadelphia. In its case before the Pennsylvania Labor Relations Board, the FOP argued that the establishment of the Commission violated the FOP's collective

bargaining agreement. Counsel represented the Commission in this suit and assisted the City in the preparation of its briefs. On April 10, 1997, Hearing Examiner Thomas G. McConnell held that the establishment of the Commission did not violate the collective bargaining agreement.

In a separate lawsuit seeking to dismantle the Commission, the FOP has sued the City of Philadelphia and attempted to strip the Commission of its authority. This suit is the same as the lawsuit originally filed by the FOP against the Commission, which was removed to federal court and then voluntarily dismissed by the FOP. When the FOP refiled the suit in state court, it named the City of Philadelphia, the Mayor and the Police Commissioner as defendants, and did not name the Commission as a defendant. The Commission attempted to intervene in this suit, however its motion was denied. The Commission appealed this decision to the Commonwealth Court and the Pennsylvania Supreme Court, wherein these courts affirmed the denial of the petition to intervene. Nevertheless, counsel has been active in this case. The parties have presented their case on the papers to the Philadelphia Court of Common Pleas. Judge Marvin R. Halbert is taking the case under consideration and is expected to rule in the near future. Counsel for the Commission has worked with the City Solicitor's office in preparation of the City's defense and continues to act as a legal liaison and has provided affidavits in this case.

Earlier this year, counsels James J. Eisenhower, III and Richard L. Scheff were retained by the United States Department of Justice to assist in training the South African National Civilian Review Board. In January and May of 1997, Eisenhower and Scheff visited South Africa to provide assistance to the National Civilian Review Board. In May, the South African delegation visited Philadelphia to study our local civilian review issues, and spent two weeks with the Commission, observing its procedures and operations.

Finally, counsel for the Commission has contributed to the Commission's outreach program this year by giving speeches to Bar Association and other legal organizations.

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

#### **IV. PERSONNEL COMMITTEE**

The Personnel Committee has continued to support and provide staff enhancement and development through consultant Ms. Joan Riley. At present, the Commission continued to operate with an Executive Director, and Administrative Assistant, a Receptionist, and three Special Investigators.

The Commission foresees the need for an additional investigator and will request additional funding to obtain the same when appropriate.

With deep regret we announce that our first employee, Peggy Haley, left our staff for another position. We are grateful for her contributions and wish her the best of success.

## **V. OPERATIONS AND INVESTIGATIONS**

During fiscal year 1997 the Commission received a total of ninety four civilian complaints against police. Physical abuse continues to be the most persistent complaint alleged by civilians, closely followed by allegations of abuse of authority.

The operating office of the Commission continues to function from its location on the second floor of the Cigna Building at 1600 Arch Street. Three staff investigators share assignment of one hundred forty three (143) active investigations currently underway. This workload per investigator is approximately triple the number of cases assigned per investigator at the Internal Affairs Division of the Philadelphia Police Department.

The following statistical breakdowns represent the first three years operation of the Police Advisory Commission during which three hundred fifty (350) complaints against police were received:

### **Status of all Complaints received July 1, 1994 - June 30, 1997**

Closed .....	187
Under Investigation .....	143
Mediation Process .....	10
Withdrawn by Complainant .....	10
<b>Total</b>	<b><u>350</u></b>

**The nature of the Complaints received July 1, 1994 - June 30, 1997**

<b>Type of Complaint</b>	<b>Number</b>	<b>Percent of Total</b>
Physical Abuse .....	126	36%
Verbal Abuse .....	32	9%
Verbal Abuse Ethnic .....	9	2.5%
Custody Abuse .....	7	2%
Abuse of Authority .....	111	31.7%
Ethnic Intimidation .....	9	2.5%
Sexual Orientation .....	5	1%
Lack of Service.....	30	8.5%
Verbal Ethnic Sexual Orientation....	7	2%
Not Applicable.....	14	4%
Total	<u>350</u>	

The following is a breakdown by race and gender of the citizens who filed complaints with this Commission during the first three years of operation:

	<b><u>Number</u></b>	<b><u>Percent of Total</u></b>
White Males .....	57	16%
White Females .....	20	5.7%
African American Males ....	123	35%
African American Females ...	69	19.7%
Hispanic Males .....	48	13.7%
Hispanic Females .....	20	5.7%
African Hispanic .....	4	1%
African Amer. Indian .....	4	1%
Asian Males .....	4	1%
Asian Females .....	1	.28%
Total	<u>350</u>	

Citizen Complaints by District of Occurrence - July 1, 1994 - June 30, 1997

1st ... 1	12th ...15	24th ...15
2nd ... 6	14th ... 7	25th ...44
3rd ... 6	15th ...31	26th ...15
4th ...13	16th ... 4	35th ...14
5th ... 2	17th ...15	39th ...15
6th .. 22	18th ...16	90th ... 4
7th ... 6	19th ...21	92nd .. 0
8th ...11	22nd ..28	C.C.D... 2
9th ...23	23rd ... 9	N/A.... 4

One complaint filed with this Commission alleges misconduct by an officer assigned to the Highway Patrol unit.

**VI. POLICE STRESS INITIATIVE**

During the fiscal year covered by this report, the Ad Hoc Committee on Stress in the Philadelphia Police Department continued its efforts to follow up the progress of the Police Department in addressing conditions which contribute to stress among police officers. Committee members maintained periodic contact with Department officials and designated representatives to review stress related issues and departmental practices and procedures of mutual concern, as detailed in the 1995 Stress Report issued by the Police Advisory Commission.

In that regard, several meetings were held with Captain Gus Carre, the administrative officer of the Employee Assistance Program (EAP), and Dr. Michael Broder, stress manager of the unit. Information obtained during those sessions suggested that notable progress had been made in addressing some of the sources of concern relative to the operation of the EAP unit. Specifically, job titles and the number of staff members had been increased during the course of the year, resulting in a more satisfactory staff complement which presently includes an administrative officer with the rank of captain, a part-time stress manager, a secretary, and six counselors. Also, it appeared that some minimal consideration had been given to issues of racial, ethnic and gender diversity of EAP staff members. Reportedly, enhanced staff resources facilitated an increase in the depth, breadth, and availability of counseling and support group services for police officers and their families. Moreover, there was tangible indication that the revised intake process included some of the exemplary elements and features of other EAP units across the nation.

Another major area of concern for the Commission had been the Department's need to provide stress training for officers beyond that offered at the Academy for new recruits. As evidence of its commitment to address that need, the Department's stress management team conducted stress training sessions and equal employment/sexual harassment workshops

for supervisors and police commanders. Additionally, in accordance with verbal assurances previously given, the scope of the annual State-mandated four-day training program for rank and file officers was said to have been augmented to include more intensive coverage of stress related issues.

In addition to the general expectation that the stress manager would focus attention on the prevention and treatment of stress stemming from personal, professional, and critical incident events, there was the explicit departmental expectation that "among other duties, the stress manager will examine departmental policies and procedures, and recommend ways to make them less stressful."<sup>1</sup> While the actual initiation and preliminary attainment of such a goal would have been commendable, there has been no discernible evidence of movement in that direction. Given the part-time status of the stress manager position (one to two days per week), it may be unrealistic to anticipate that there will ever be appreciable time or commitment to address the departmental policies, procedures, and organizational problems that form the basis of much of the stress experienced by police officers. Within that context, examining and reducing organizational sources of stress will continue to be areas of some concern to Commission members.

Because working within deteriorating or inadequate physical facilities may exacerbate the level of stress experienced by officers, the progress and pace of the Department's capital improvement programs have been matters of on-going interest. Review of monthly progress reports emphasize the enormity and widespread turmoil inherent in the implementation of much needed major interior and exterior improvement projects within and throughout the majority of the police districts. In view of numerous unanticipated setbacks and delays, many of which are due to circumstances beyond the control of the Department, the Commission anticipates that attainment of significant progress in this area will be an ongoing source of mutual concern.

## VII. COMMUNITY AWARENESS (OUTREACH)

A public education component of the Mayor's Executive Order 8-93 mandates that the Commission shall have the responsibility of informing the public about its duties, and shall develop and administer an ongoing program toward that end. Since its inception, and on a continuing basis, the Commission has been distributing an informational brochure describing its mission and purpose as well as a list of all locations where its complaint forms are located. Additionally, the Commission has and will continue to produce periodic newsletters for distribution at strategic locations throughout the City. During the period covered by this Report, SEPTA bus and subway lines displayed a Commission ad placard in its trains and buses. Similarly, during the Fall of 1997 and the Spring of 1998, billboard notices will appear in ten locations throughout the City,

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<sup>1</sup> "Tired? Stressed? Burned Out? Panel Seeks Answers for Philadelphia Police Officers," *Law Enforcement News* 22, 1995, 1, 10.

A comprehensive outreach plan developed by the Staff during this fiscal year is being rigorously followed and addresses an activity timeline through calendar year 1997. This plan includes, but is not limited to personal contact with religious and community organizations, elected officials and media outlets. Presentations have been and will continue to be made on various college and university campuses, before fraternal organizations as well as periodic appearances on radio and television. During the fall and winter months the Commission expects to make presentations within selected communities throughout the City.

#### VIII. COMMISSION MEMBERS

- W. Bruce Beaton -- a resident of Northeast Philadelphia and the president of a Philadelphia-based insurance agency.
- Irene Benedetti (resigned effective July 1, 1997) -- a resident of South Philadelphia and affiliated with Temple University Institute for Survey Research. Ms. Benedetti serves on the Mayor's Commission on Sexual Minorities and on the Board of Directors of the Crime Victims Services of South Philadelphia.
- 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.
- William T. Cannon -- an attorney and Northeast Philadelphia resident who formerly served in supervisory positions within the Philadelphia District Attorney's Office and presently represents litigants in civil and criminal proceedings.
- 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 the Community Outreach Coordinator for the Edison Cluster of the School District of Philadelphia. Ms. Marrero is a member of the National Association of Hispanic Journalists and writes a biweekly column in the *Community Focus*.
- Juan F. Ramos -- a West Kensington resident and a superintendent with Cleveland Environmental Services, a member of the 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.
- Judith Savitt -- a Center City resident and a retired elementary school teacher.
- Paul M. Uyehara -- a West Philadelphia resident and a lawyer with Philadelphia Legal Assistance where he represents low-income clients in bankruptcy and mortgage foreclosure cases. Mr. Uyehara served as an Assistant City Solicitor and on

the Mayor's Commission for  
Asian/Pacific American Affairs.

Novella S. Williams -- a West Philadelphia resident and organizer of the Black Women's Crusade Against Vice, Crime and Corruption in West Philadelphia.

William Wood -- an East Falls resident and an owner of  
(resigned effective August 27, 1997) Woody's Bar and Restaurant in Center City.

The Commission's Alternate members during this fiscal year were:

Ronald A. Burton -- an Overbrook resident and president of the Center for Social Welfare Concerns, a national consulting firm.

Mary Ellen Krober -- an East Falls resident and senior lawyer with Buchanan Ingersoll who formerly served as an Assistant City Solicitor and Deputy Attorney General.

The Officers of the Commission for the fiscal year were:

Chair -- Jane Leslie Dalton  
Vice Chair -- Juan F. Ramos  
Vice Chair -- William T. Cannon  
Secretary -- Charles Harris

The Commission established several committees to formulate policy and to advise the Commission on various issues. The Committees and their Chairs were:

Operating Procedures Committee -- William Cannon, Chair  
Investigatory Review Committee -- Novella S. Williams, Chair  
Public Information Committee -- Eddie T. Graham, Chair

Personnel Committee	--	Carmen M. Marrero, Chair
Annual Report Committee	--	Bruce W. Kauffman, Chair
Budget Committee	--	Jane Leslie Dalton, Chair
Mediation Committee	--	Charles Harris, Chair
Legal Representation Committee	--	Paul M. Uyehara, Chair
Stress Committee	--	Vivian D. Ray, Ph.D., Chair

### IX. CONCLUSION

In 1997-98 The Commission looks forward to taking action to increasing the complaints filed with it to coordinating with the lawsuits against the City to improve the effectiveness of IAD investigation and to continue to serve the civilian community.

  
Jane Leslie Dalton  
Chair