



# FISCAL YEAR REPORT

OF THE

**PHILADELPHIA POLICE ADVISORY COMMISSION  
OF THE CITY OF PHILADELPHIA**

FOR

**FISCAL YEAR 1999**  
(July 1, 1998 thru June 30, 1999)

Jane Leslie Dalton, Esq.  
Chairperson

Hector W. Soto, Esq.  
Executive Director

## **FOREWORD**

This is the sixth Fiscal Year Report issued by the Police Advisory Commission as required by the Philadelphia Home Rule Charter. This report is for Fiscal Year 1999, i.e., from July 1, 1998 through June 30, 1999. As required by its Executive Order, the Commission will issue its Annual Public Report for calendar year 1999 during the first quarter of the new year. The Commission welcomes comments and inquiries regarding the contents of this report, or concerning any aspect of the Commission's mission or operations.

## **I. INTRODUCTION**

The Police Advisory Commission was established by Executive Order 8-93 of the Honorable Mayor Edward G. Rendell issued on October 29, 1993. It began operations on July 1, 1994. The Commission is responsible for monitoring and improving the relationship between the Philadelphia Police Department and the citizens the Department is established to serve. To that end, the Commission is empowered to do fact-finding on individual allegations of police misconduct, subject to its jurisdiction, as well as on broader issues of police policy and procedure.

The Commission has the authority to conduct public hearings, subpoena witnesses and review police documents. The Commission's findings and recommendations are submitted to the Mayor, the City Managing Director and the Police Commissioner, and are made available to the public. If warranted, the Commission can recommend to the Police Commissioner that disciplinary action be taken against an individual officer, or that departmental policy be changed. A copy of the Commission's Executive Order is included in the Appendix.

## **II. REPORT OF CHAIR**

This year the Commission devoted much attention to staffing matters. The Commission conducted a nationwide search for the Executive Director beginning in the late spring of 1998. More than two hundred resumes were received. These resumes were screened by a group of Commissioners. Commission members interviewed many very qualified candidates. On September 14, 1998, the Commission announced the appointment of Hector Soto. The Commission selected Mr. Soto because of his extensive experience in police oversight and police-community relations.

Mr. Soto was the first Executive Director of the New York City Civilian Complaint Review Board, New York City's first non-police, independent civilian oversight board. He has also served as the director of the New York City Police Department's Advocates Office. He has also served as a consultant and advisor to Freedom House concerning policy/military practices and human rights issues in third world nations.

Under Mr. Soto's leadership, the Commission has extended its outreach program, making contact with many officials in City government and in the police department. The Commission has also contacted many community groups to explain its operations and functions. On September 9<sup>th</sup>, 1999, the Commission reestablished its practice of meeting with the community by holding a meeting at Mt. Carmel Baptist Church in West Philadelphia. The Commission looks forward to continuing its outreach and communication with as many organizations as possible in the upcoming year.

The Commission accepted with regret the resignation of William Smith. Mr. Smith, who joined the staff in March 1996, began as an investigator. He was promoted to Chief Investigator, where he supervised the Commission's investigations into civilian complaints.

He served as Acting Executive Director from April until September of 1998. Under his leadership, the Commission refined its practices for investigating civilian complaints.

The Commission welcomes Grisette Perez, who joined the staff as a Special Investigator. We are also delighted to have Michael Ilaria, a student from Rutgers School for Law who served as an intern at the Commission during the year.

We are grateful for the services of the law firm of Montgomery, McCracken, Walker & Rhoads, LLP and the dedication of their lawyers, particularly James J. Eisenhower, III, Esquire, and Brendan T. Conway, Esquire, who have devoted many pro bono hours to the success of the Commission.

The Commission continued to hold panel hearings on individual complaints. This year three different panels heard a total of 12 matters. The panels heard testimony and accepted evidence, reached agreement concerning whether there was a violation, and wrote a report setting forth their conclusions and the basis for the results. The panels' recommendations were reviewed by the full Commission. The Commission's conclusions were then forwarded to the Police Commissioner, the Mayor and the Managing Director. The Commission is reviewing ways to streamline its processes.

The Commission was able to accomplish much even though vacancies created by resignations were not filled. We are delighted to report that we have a full complement of members and alternates at this time. In the upcoming year, we look forward to improving our effectiveness and to improving further the relations between the police and the citizens of the City of Philadelphia.

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

Counsel for the Commission has been active in representing the Commission during numerous challenges this year. The Commission is represented by the law firm of Montgomery, McCracken, Walker & Rhoads, LLP. The following summarizes Counsel's activities between July 1, 1998 and June 30, 1999.

Counsel for the Commission assisted in conducting twelve public panel hearings during the fiscal year. During those hearings Counsel questioned the witnesses and police officers, and provided other assistance.

Counsel also continued to assist in state court litigation that challenged the Constitutionality of the Commission and its procedures. Specifically, in 1995 the Fraternal Order of Police (FOP) sued the City of Philadelphia, Mayor Rendell and former Police Commissioner Neal in an attempt to strip the Commission of its authority. The Commission's motion to intervene into that case was denied. Counsel, however, worked extensively with the City Solicitor's office in preparation of the City's defense. On November 18, 1997, Judge Marvin Halbert of the Philadelphia Court of Common Pleas dismissed the FOP's case. The FOP subsequently appealed that Order to the

Commonwealth Court, and the Commonwealth Court affirmed. The FOP attempted to take an appeal to the Pennsylvania Supreme Court, but the Supreme Court refused to hear that appeal.

As a result, the litigation challenging the legality of the Commission has been successfully concluded. The Courts have affirmed the Commission's power to hold hearings, to investigate allegations of misconduct, and to issue subpoenas to police officers and civilians.

During the fiscal year, Counsel provided legal assistance related to a number of other miscellaneous legal issues. At the current time, the Commission is not a party to any litigation, although the Commission has been asked to produce documents and provide deposition testimony during several civil lawsuits to which it is not a party.

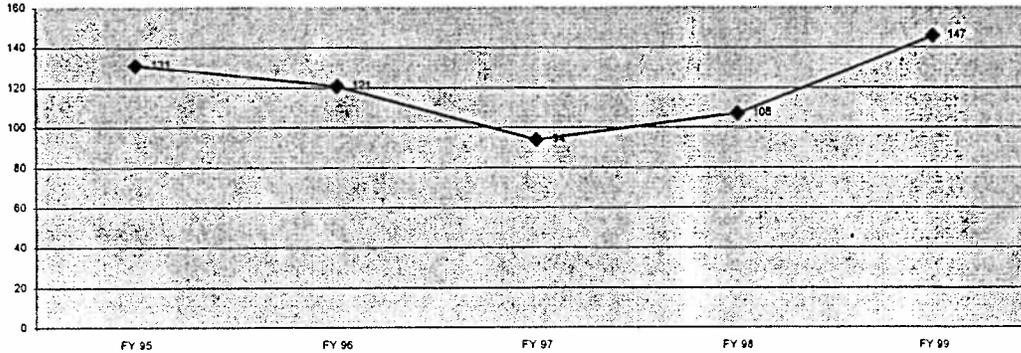
In the upcoming year, Counsel will actively assist the Commission in the investigation of allegations of police misconduct and will continue to effectively utilize the interview and public panel procedures. Moreover, Counsel will continue to provide assistance to the Commission in its litigation and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

#### **IV. OPERATIONS**

##### **A. INQUIRIES & COMPLAINTS**

For Fiscal Year 1999 (FY'99: July 1, 1998 through June 30, 1999), 147 complaints containing 159 primary allegations were filed with the Police Advisory Commission. These complaints, known formally as Civilian Complaints Against Police (CAPS), represent approximately 25% of the 714 total number of CAPS filed by members of the public with either the Commission or the Police Department. The 147 CAPS filed with the Commission represent a 35% increase as compared to the 108 CAPS filed during fiscal year 1998, and a 56% increase as compared to the 94 CAPS filed with the agency during fiscal year 1997. The chart in Graphic 1 (below) tracks the number of complaints for each fiscal year retroactive to fiscal year 1995, the Commission's first complete fiscal year of operation.

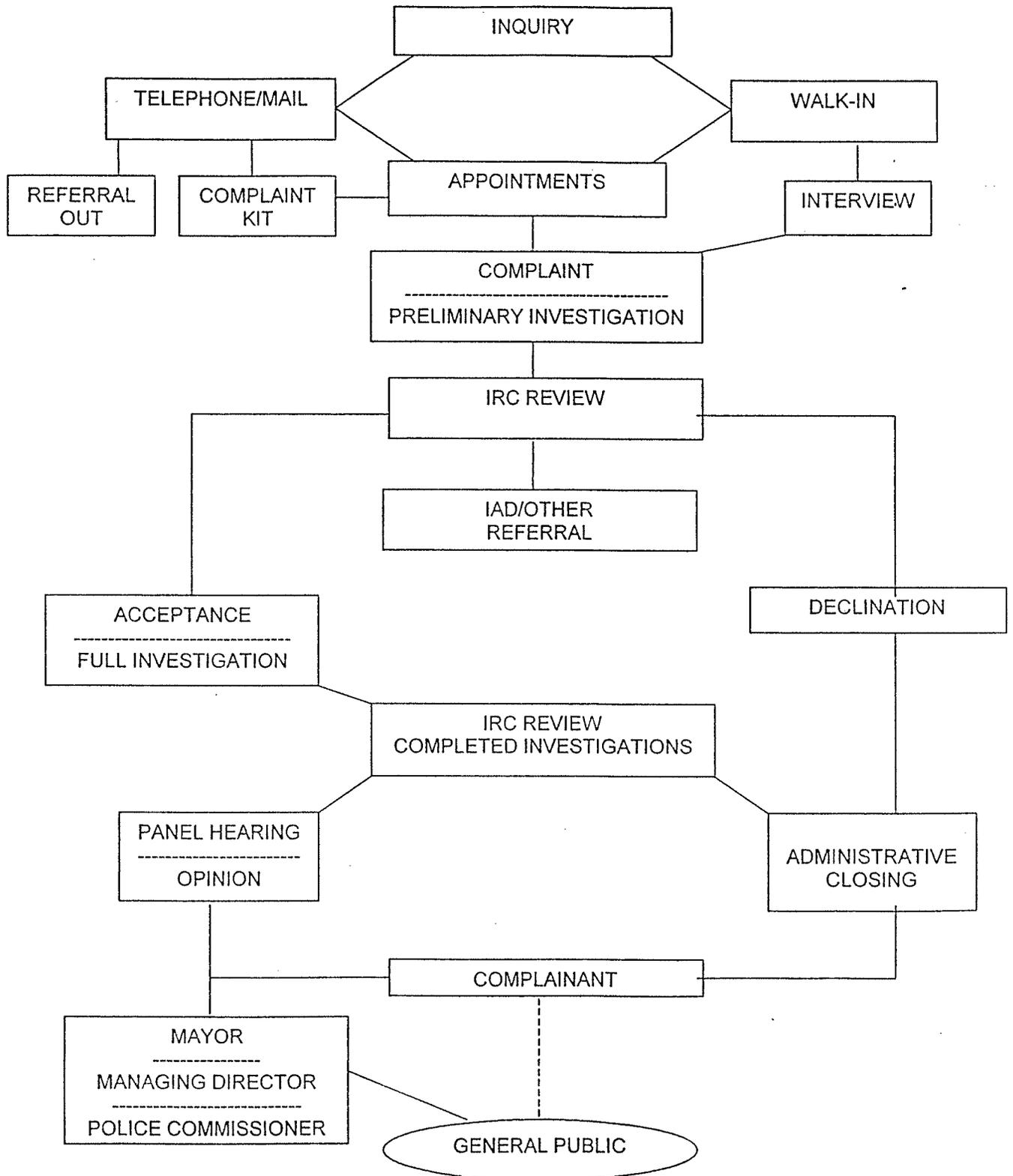
**Graphic 1: COMMISSION COMPLAINTS PER FISCAL YEAR**



The upward trend in the number of CAPS filed with the Commission during the last two (2) fiscal years continues unabated into FY 2000. The reasons for the increase are not apparent although more awareness and sensitivity regarding the issue of police misconduct, better knowledge of and accessibility to the Commission, and more aggressive policing by the Department may be contributing factors.

Complaints filed with the Commission are reviewed by members of the Commission sitting as the Investigatory Review Committee (IRC). The IRC reviews complaints for subject matter jurisdiction and compliance with procedural prerequisites. The IRC can either direct the Administrative Closing of a complaint for lack of jurisdiction or lack of merit, or accept the complaint, initiating a field investigation by Commission staff. The IRC met 15 times during FY 1999. Complainants receive written notification of the IRC's decision within seven (7) days. Graphic 2 below describes the inquiry and complaint processing procedure from intake through disposition.

Graphic 2: INQUIRY AND COMPLIANT PROCESS



CAPS alleging "abuse of authority" as the primary allegation, that is, complaints in which the allegation is that a police officer(s) by his/her act or omission exceeded his/her authority as granted under law or regulation continued to be the most prevalent type of complaint during fiscal year 1999. Abuse of authority complaints include, but are not limited to complaints of improper searches, unlawful detentions or confinements (arrest), improper seizure of property and discriminatory or selective law enforcement.

During FY 1998, 45 abuse of authority complaints were filed. For fiscal year 1999, 57 complaints were filed, an increase of 27%.\* Abuse of authority complaints comprised 39% of the total number of complaints received by the Commission during the 1999 fiscal year. Since fiscal year 1995, abuse of authority complaints have been the most prevalent complaint category.

CAPS alleging "physical abuse", that is, complaints having as a primary allegation the use of unnecessary or excessive force by a member of the Philadelphia Police Department accounted for 31 or 21% of the 147 complaints filed with the Commission during fiscal year 1999. This was the second most prevalent type of complaint filed; it has been the second most prevalent type of complaint since 1995.

CAPS alleging "verbal abuse", that is, complaints stating as the primary allegation offensive language by a police officer denigrating a person's race, ethnicity, gender, sexual orientation, disability or religion comprised 6%, or 9 complaints, of the 147 complaints received during the fiscal year.\*\*

Complaints not within the Commission's jurisdiction include CAPS that primarily allege verbal abuse of a more general nature such as profanity, rudeness or discourtesy; complaints primarily alleging lack of service, that is, failure of the Police Department to provide adequate or proper public safety service; or complaints containing primary allegations of criminal activity or corruption (bribes, gratuities, etc.). These complaints are processed by the Commission, and then referred to the Internal Affairs Division (IAD) of the Police Department and/or the District Attorney's office for their review and appropriate action.

Similarly, complaints concerning incidents, regardless of whether or not the allegations fall within the subject matter jurisdiction of the Commission, that occurred beyond the Commission's 180 day statute of limitations for the filing of a complaint are also referred to the Internal Affairs Division for consideration and possible action.

During FY 1999, 50 complaints, or 34% of the total number of complaints filed with the agency were referred to IAD and other agencies. Although these complaints did not result in field investigations by Commission staff, each such complaint required at least one full interview, written documentation, a referral letter and administrative processing time.

\*Another (4) physical abuse complaints also contained serious abuse of authority allegations.

\*\*Another (7) complaints: 3 physical abuse and 4 abuse of authority complaints contained serious allegations of verbal abuse.

In addition during FY '99, Commission staff handled a daily average of six telephone inquiries from members of the public concerning police related matters ranging from the location of arrested relatives and friends to 10 minute messages from an inmate in a local mental health facility threatening the Police Commissioner with bodily harm. Some of these inquiries, such as the latter, required extensive documentation and follow-up. In general, however, inquiries of this type are individually screened, and if possible, referred by telephone to the Police Department or other appropriate agency.

## **B. COMPLAINANTS**

The 147 complaints received by the Commission during fiscal year 1999 represent 148 complainants. During FY 1999, Latinos comprised approximately 12% of the complainant pool; during FY 1998, Latinos were 7% of Commission complainants. Historically (thru FY 1998), Latinos have averaged approximately 17% of Commission complainants. African-Americans during FY 1999 represented 53% of Commission complainants. African-Americans historically have been 57% of Commission complainants. Complaints by non-Latino whites were approximately 34% of the total number of complaints filed with the Commission during the fiscal year. Historically, non-Latino whites have comprised 23% of the complainant pool. Asians and others accounted for 1% of the FY 1999 complainant pool.

Most complainants during FY 1999 were males, 57%, although female complainants were 47% of the African-American total; 28% of the Latino total; and 38% of white non-Latino total.

The composition of the Philadelphia Police Department during FY 1999 was approximately 56% white, 38% African American, 5% Latino and 1% Asian/Others. The Department was approximately 76% male and 24% female (Source: Police Department). The population of Philadelphia in 1998 was 47% white, 42% African-American, 7% Latino and 4% Asian/Other (Source: U.S. Census Bureau).

## **C. MEDIATION**

The effectiveness of the Mediation program established by the Commission in 1994 continues to be hampered by the Fraternal Order of Police's (FOP) position that the police officers should not participate. The basis of the FOP's objection is both political and operational. Political to the extent that the FOP continues in its general objection to the existence of the Commission. That objection persists notwithstanding that the FOP has lost every lawsuit filed against the Commission, or against the City concerning the Commission; operational to the extent that there may continue to be outstanding issues regarding confidentiality, control and security, impartiality and finality of resolution. These and other issues need to be further addressed.

The Commission continues to believe that mediation, whether in its current form or some future modified form, is a viable, alternative method for the resolution of certain types of complaints. The benefits of mediation would flow to the complainant, the police officer, the Police Department, the community and the Commission. The re-evaluation and, as necessary, restructuring of the mediation program will be a primary objective of the Commission during calendar year 2000.

#### **D. INVESTIGATIONS**

The two Special Investigators working for the Commission during FY 1999 had an average caseload of 25 cases. The Chief Investigator, whose primary responsibilities are supervisory and managerial, had an average caseload of 16 during the same period. IAD investigators handling similar CAPS had an average caseload of 10-12 cases. The Commission's Special Investigators routinely carry caseloads two to three times that of his/her IAD counterpart, and without the support and additional investigative resources provided IAD by the Police Department.

During FY 1999, Commission investigators interviewed 148 complainants, and 113 target and witness police officers. During the same period the Commission investigators also interviewed an estimated 120 civilian witnesses. Investigators also monitored various criminal and civil proceedings involving either complainants or target officers.

Completed investigations are reviewed by the Commission's Investigatory Review Committee (IRC) for determination as to whether or not there will be a fact-finding hearing as part of the investigation. Investigations are reviewed for completeness and legal sufficiency. If upon review the IRC determines that an investigation does not warrant a hearing, the investigation is administratively closed. Investigations approved for a hearing are scheduled as soon as possible, however, there is a scheduling delay of approximately three months. Complainants are notified of the IRC's decision concerning a hearing within 10 days.

#### **E. HEARINGS**

The Commission initiated or completed 12 investigative hearings on complaints during FY 1999. Known as panel hearings, the hearings are fact-finding inquiries conducted by Commission members sitting as three member panels. During the hearings, witnesses testify under oath regarding the allegations framed in the complaint. The witnesses usually include the complainant, other civilian witnesses, the target (accused) officer(s), and other police witnesses.

Panel hearings are the final step in the investigative process before disposition. Since the hearings are a fact-finding inquiry, rather than an adjudicatory process, 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. The judicial rules of evidence are applicable, but are not strictly observed. However, no final disposition can be based entirely on hearsay evidence, nor can a disposition be based on an unsworn complaint or prior unsubstantiated complaints. Evidence can be testimonial, documentary, demeanor or other.

Panel hearings are open to the public and the media. However, post-hearing deliberations are conducted by the presiding panel in executive session. The decision of a panel is set forth in a written opinion that must be reviewed and approved by the full Commission. Final decisions are forwarded to the Mayor, the Police Commissioner and the City Managing Director. An opinion becomes a public document three days subsequent to its delivery to the Mayor, Police Commissioner and Managing Director. Complainants are mailed copies of the final decision on the same day that the opinion is delivered to the Mayor, the Police Commissioner and the Managing Director.

Although 12 panel hearings were initialed during FY 1999, another ten(10) hearings were scheduled, but eventually had to be adjourned beyond the fiscal year's end, or simply cancelled because of unforeseen scheduling conflicts, withdrawal of the complaint, lack of cooperation by the complainant, or unavailability of a necessary party to the proceeding. Scheduling a hearing requires considerable preparation and planning by the Commission separate and apart from its actual implementation. As such, a new scheduling procedure has been developed that when implemented will permit the scheduling of at least 24 panel hearings during a year, and minimize adjournments and cancellations.

The long-term objective of the Commission is to have no case on its docket that is more than 12 months old. By the end of calendar year 1999, the Commission's docket should consist primarily of complaints filed during 1998 and 1999. Investigations continue to be prioritized by age, and/or seriousness of the allegations.

The Executive Order that established the Commission requires that within 30 days of delivery of an opinion, the Police Commissioner must submit a written response to the Commission. Police Commissioner Timoney has been very diligent in providing the Commission with his responses. Through the end of FY 1999, Commissioner Timoney had accepted only one recommendation of the Commission regarding the disciplining of a police officer (In re: T. Gary: one day suspension for target officer, May-August, 1998). Commissioner Timoney has received 9 Commission opinions since the start of his tenure.

The Commissioner has accepted some complaint-specific recommendations as recommendations for possible new training, or for changes in training. He has also in some instances agreed to forward the opinion and decision of the Commission to immediate supervisors for their review and/or appropriate action. The Commissioner generally however has not accepted the Commission's recommendations per se. His stated reasons have varied ranging from objections concerning the weight or analysis of the evidence considered by the Commission to objections concerning the nature or severity of the allegation.

The Commission's opinions, together with the Commission's cover letters for each, and the Police Commissioner's response letters to each opinion are available for examination upon request.

Graphic 3: COMMISSION PANEL HEARINGS, RECOMMENDATIONS & POLICE RESPONSE

File	Recommendation (Date)	Response (Date)
N. Nash-Kendrick PAC #960234	No recommendation for discipline	Report acknowledged
Stephan Rosato PAC #940030	No recommendation for discipline	Report acknowledged
Calvin Butler PAC #950192	5 day suspension for target officer	Awaiting response
Brian Bevan PAC #960284	No recommendation for discipline. PD to review protocol on pointing of Gun issue.	Protocol under review on all PD directive
Maria Mulero PAC #940054	Opinion Pending	
Cheryl Lackey PAC #960288	Opinion Pending	
Kathleen Brooks PAC #960292	Opinion Pending	
Gerard Lundi PAC #970397	1 day suspension for target officer and reprimand for other police officers	No discipline
Gary Wilson PAC #970317	Reprimand by the Commanding Officer	Awaiting response
Emart Harley PAC #980355	Opinion Pending	
Patricia Cleary PAC #9	Continued beyond FY99	
T. Kidder-Marks PAC #970364	Continued beyond FY99	

F. STATISTICAL DATA

Graphic 4: FISCAL YEAR COMPLAINTS BY MONTH

Month	FY95	FY96	FY97	FY98	FY99
July	8	13	11	8	7
August	9	24	15	11	13
September	15	9	8	9	9
October	8	17	6	10	13
November	12	13	10	4	9
December	8	7	3	7	19
January	16	8	3	5	16
February	11	6	6	11	11
March	10	6	7	12	20
April	7	10	5	13	9
May	12	4	7	9	8
June	15	4	13	8	13
<b>TOTAL:</b>	<b>131</b>	<b>121</b>	<b>94</b>	<b>108</b>	<b>147</b>

Graphic 5: RACE AND GENDER OF COMPLAINANTS: FY95 thru FY99

Race/Gender	Actual	Percentage
African-American Females	129	21%
African-American Males	209	35%
Asian Females	1	0%
Asian Males	4	1%
Latino Females	29	5%
Latino Males	68	11%
White Females	47	8%
White Males	111	18%
Others (both genders)	8	1%
<b>Total:</b>	<b>606</b>	<b>100%</b>

Graphic 6: RACE AND GENDER OF COMPLAINANTS: FY 1998 VS. FY1999

Race/Gender	1998	Percentage	1999	Percentage
African-American Females	23	21.5%	37	25%
African-American Males	45	42.5%	41	28%
Asian Females	0	0%	0	0%
Asian Males	0	0%	0	0%
Latino Females	3	3%	5	3%
Latino Males	4	4%	13	9%
White Females	8	7%	19	13%
White Males	23	21%	31	21%
Others (both genders)	2	1%	2	1%
<b>Total</b>	<b>108</b>	<b>100%</b>	<b>148</b>	<b>100%</b>

Graphic 7: TYPE OF COMPLAINTS FILED: FY95 THRU FY99

<u>Type of Complaint</u>	<u>Actual</u>	<u>Percentage</u>
<b>Acceptances:</b>		
Physical Abuse	187	38%
Abuse of Authority	225	46%
Verbal Abuse	79	16%
<b>Total</b>	<b>491</b>	<b>100%</b>
<b>Declinations: No Jurisdiction</b>		
Lack of Service	65	57%
Miscellaneous	50	43%
<b>Total</b>	<b>115</b>	<b>100%</b>

Graphic 8: TYPE OF COMPLAINTS FILED: FY 1999

<u>Type of Complaint</u>	<u>Actual</u>	<u>Percentage</u>
<b>Acceptances:</b>		
Physical Abuse	37	32%
Abuse of Authority	57	59%
Verbal Abuse	9	9%
<b>Total</b>	<b>97</b>	<b>100%</b>
<b>Declinations: No Jurisdiction</b>		
Lack of Service	24	48%
Miscellaneous	26	52%
<b>Total</b>	<b>50</b>	<b>100%</b>

## **G. COMMISSION MEETINGS**

During FY 1999, the Commission held nine (9) regular "monthly" meetings. Monthly Commission meetings are held generally the second Thursday of each month at 5:30 PM at 34 S. 11<sup>th</sup> Street, on the 6<sup>th</sup> floor, the Commission's office in Center City. The public session of the monthly meeting usually commences at 7:00 PM and continues until closure is appropriate. Any member of the public may attend the public session and address the Commission regarding any relevant issue. The Commission welcomes the participation of the public. The Executive Committee of the Commission also met on a monthly basis during the fiscal year.

## **H. STUDIES**

The Executive Order authorizes the Commission to undertake broader issue, fact-finding studies either sua sponte or upon the request of any member of the public or the Police Department. This authorization is in addition to the Commission's authorization 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. Broad issue studies can include public hearings.

No broad issue studies were conducted during fiscal year 1999. Neither the Police Department nor any member of the public requested that the Commission consider any broad issue study during the fiscal year. However, several topics ranging from issues of profiling and abuse of authority during car/pedestrian stops by police to a general survey of police-community relations in Philadelphia have been discussed by the Commission, and remain under consideration.

The Commission expects to conduct a broad issue study during the latter part of FY 2000. Such a study would most likely include one or more public hearings. A study of the issues related to car and pedestrian stops continues to receive serious consideration especially in light of the Police Commissioner's acknowledgement of problems in that regard, i.e., the Police Department's development of a training film (April, 1999) for officers concerning those issues. The Commission also notes that the ACLU during FY 1999 has continued to monitor and conduct research on the issue of racial profiling during car and pedestrian stops by the Philadelphia Police Department.

## **IV. COMMUNITY OUTREACH**

The Executive Order mandates that the Commission educate the public concerning its services and duties. FY 1999 outreach activities built upon the foundation established during the previous fiscal year, and led to the development of a community based network of organizations and individuals informed about the Commission, its operations and its accessibility.

Two days after commencing his tenure as Executive Director, Hector W. Soto, Esq., was participating in a public meeting in North Philadelphia concerning the Police Department's "zero tolerance" policy with regard to post-Puerto Rican Day parade activities in North Philadelphia. Mr. Soto's participation at the meeting received press and media coverage, and established a higher visibility profile for the Commission that continued throughout the fiscal year. Without the help of a "Communication's Office" or "Public Relations/Community Affairs" staff person, the Commission maintained an average of two media/press coverages a month since September 1998. Coverage has included reports concerning community presentations by Commission staff or members, announcements of monthly meetings or hearings, or coverage of Commission decisions on complaints.

Print media covering the Commission during FY 1999 included the Inquirer, the Daily News, the Philadelphia Tribune, the Philadelphia Weekly, the City Paper, the Philadelphia Gay News and Philadelphia Magazine. Electronic media included ABC News, Fox News and National Public Radio. The increased coverage also included smaller neighborhood based newspapers, like the Weekly Press and University Review, as well as out-of-city newspapers such as USA Today and the Pittsburgh Tribune Review.

The expanded media/press coverage of the Commission and its activities is due in part to the revamping of the Commission's public affairs strategy and operations. The look and attitude of press releases, press statements and official reports, were all revised during the fiscal year. In addition, new resource materials were developed by the Commission during the fiscal year for direct distribution to the public.

During June and July of 1999, the Commission worked on the development of its revised newsletter: PACER. The first edition was released at the end of July 1999. PACER carries articles and information concerning the work of the Commission, issues impacting on police accountability and on topics related to police-community relations. PACER's first edition covered the expected move of IAD from its Center City offices to the far Northeast and the possible impact of such a move on complainants and witnesses. PACER will help communities keep pace with the Commission, and maybe more importantly, the Commission with the community.

PACER was the second of the resource materials developed during FY 1999. The first was a revised, bilingual Commission brochure. The brochure was designed and created in-house by Commission personnel. This first version provides basic information in English and Spanish concerning the Commission's services and organization. By the end of FY 2000, the Commission expects to have various bilingual versions of the brochure available in Chinese, Cambodian, Vietnamese and Russian. Other languages under consideration are Korean, Arabic and Yiddish. The initial distribution of the brochure during May and June 1999 totaled more than 1500 pieces distributed citywide.

Complaint packets, that is, kits containing the forms and information necessary for an individual to file a complaint with the Commission, was the third type of resource material available from the Commission during FY 1999. Twenty-five packets were mailed

during the year in response to telephone inquiries to the Commission. Additional complaint packets were distributed to community based organizations such as the Police Barrio Relations Project as well as local elected and appointed officials.

The Commission during FY 1999 conducted 65 meetings and presentations or workshops with community-based organizations, professional and governmental offices, and political-community leaders to discuss the Commission and its operations. Meetings and presentations included the Police Department (including Police Commissioner Timoney and Deputy Commissioner John Norris of IAD), the Guardian Civic League, Norris Square Civic Association, the Police Barrio Relations Project, GALAEI, Partners in Justice, the NAACP, the ACLU, the Hispanic Bar Association, the Philadelphia Human Relations Commission, the Philadelphia District Attorney's Office (including Hon. Lynne Abraham), Professor Jim Fyfe (Temple University), El Concilio, the Barristers' Association, the Men's Health Collaborative, El Congreso, the Yorktown Community Organization, the American Jewish Committee, the Eastern Philadelphia Organizing Project (EPOP), Temple LEAP, the Civil Rights Sub-Committee of the Philadelphia Bar Association, the Philadelphia Gay and Lesbian Task Force and the School District of Philadelphia.

The Commission also participated in four regional forums concerning police accountability and oversight issues: the "Future of Policing" at Columbia University Law School, NYC, NY ( hosted by former Mayor Hon. David Dinkins); Police Accountability seminar, Cornell University Law School; the National Conference of the National Association for Civilian Oversight of Law Enforcement, Indianapolis, IN; Police Brutality and the Black Community, NE Regional Black Law Students Association, Foxwood, Mashawtucket, CT.

The Commission expects continued expansion and organization of its outreach and education efforts. This includes making access and utilization of the Commission's services more community friendly. Distribution of resource materials will continue during FY 2000 with an emphasis on establishing local community-based points of contact where information can be obtained and complaints filed. The Commission believes that the increased number of complaints being filed with the agency is in part due to its increased visibility and an enhanced awareness by the public of the Commission as projected by its community education and outreach program.

**VI. PERSONNEL & BUDGET**

**1. PERSONNEL**

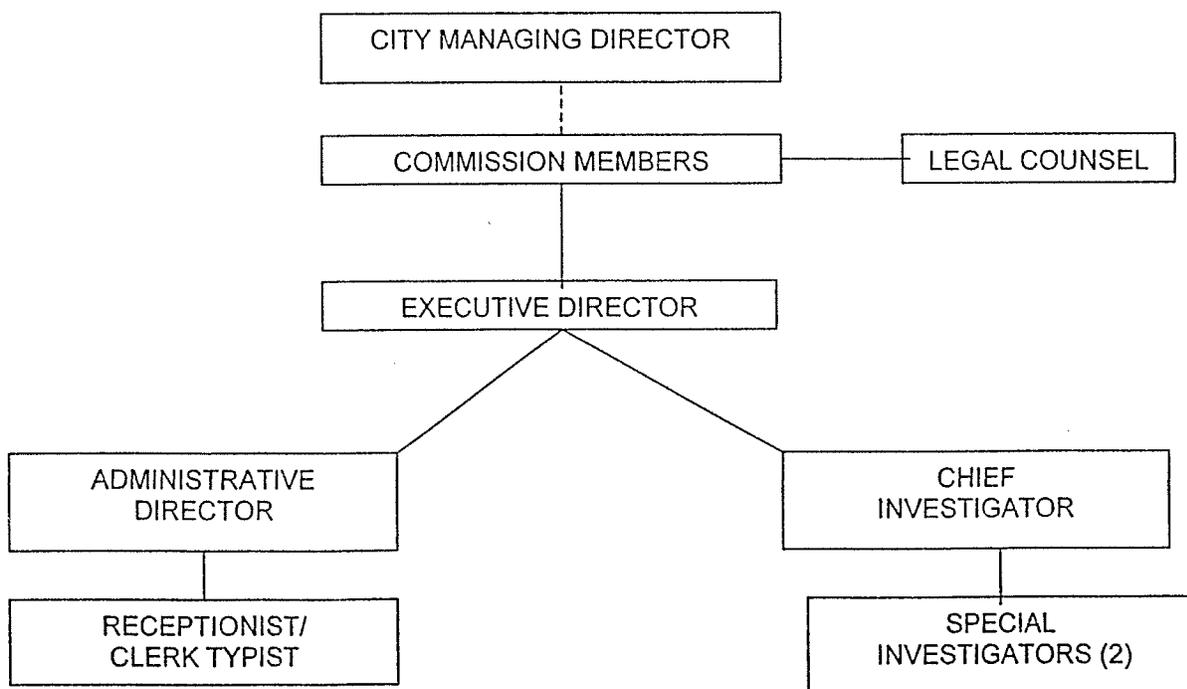
**a. STAFF**

Commission staff consists of six full time employees: the Executive Director, the Chief Investigator, an Administrative Director, two Special Investigators and a Clerical Support/Receptionist. During the fiscal year, permanent staff was augmented by part-time interns placed by the Transitional Work Corporation, a welfare to work support program. Additional staffing was also provided by legal interns placed through the public service program of University of Pennsylvania Law School and Rutgers Law School.. See, Graphic 9 below Organizational Chart.

**b. COMMISSION MEMBERS**

Commission membership was incomplete for all of fiscal year 1999 although the processes for the Mayor and City Council to fill the vacancies of permanent and alternate members were initiated. However, as of the end of the fiscal year, three permanent and four alternate member positions of the Commission remained vacant. The filling of the Commission vacancies is expected to be completed by the end of calendar year 1999. When at full complement, the Commission has fifteen permanent members and four alternate members. All Commission members are appointed by the Mayor and serve for four year terms. The Commission membership list as of June 30, 1999, is included in the Appendix.

**Graphic 9: POLICE ADVISORY COMMISSION ORGANIZATIONAL CHART**



## 2. Budget

The Commission's FY 1999 Operating Budget was \$394,535, an increase of \$63,625 or 19.2% from the FY 1998 total of \$330,910. Fiscal year 1999 obligations totaled \$391,656 or 99% of the original appropriation. The increase in the FY 1999 was due primarily to the inclusion in the budget for the first time of a \$40,000 legal fee for services rendered by the law firm of Montgomery, McCracken, Walker & Rhoads, counsel to the Commission. Prior to FY 1999, services provided by the firm were completely pro bono. Starting with FY 1999, only legal services beyond the fee cap would be pro bono. Additional funding totaling approximately \$20,000 was added to the equipment and materials/supplies categories.

The Commission, like the Police Department, is a labor intensive operation. The bulk of the budget during FY1999, like in previous years, was consumed by personnel expenditures: \$292,420 or 75% of the total budget. With the \$40,000 dedicated to legal personnel services, those expenditures account for almost 85% of the FY 1999 operating budget.

The \$40,000 legal services cap fee was surpassed during early May, 1999, and although legal counsel continued to provide services through the end of the fiscal year, surpassing the cap did reflect the increased caseload and activity of the Commission. During FY 1999, the Commission's two Special Investigators carried an average caseload of 25 investigations each. Moreover, the Chief Investigator whose primary duties and responsibilities are supervisory and managerial had to carry an average caseload of 16 investigations. The caseload of similarly IAD investigators during the same period was 10-12 investigations. The next fiscal year budget proposal will include a request for additional investigatory and support personnel.

## VII. CONCLUSION

Fiscal year 1999 was a very effective year for the Commission. The Commission resurfaced with strong community outreach activity and increased visibility. The Commission also increased its productivity while continuing to reorganize and restructure its operations. The Commission looks forward to an even more visible and proactive fiscal year 2000.