

*CITY OF PHILADELPHIA*  
*POLICE ADVISORY COMMISSION*

*Honorable John F. Street*  
*Mayor*



*FISCAL YEAR REPORT*

*FISCAL YEAR 2000*  
*(July 1, 1999 thru June 30, 2000)*

Jane Leslie Dalton, Esq.  
Chairperson

Hector W. Soto, Esq.  
Executive Director

## FOREWORD

This is the Seventh Fiscal Year Report issued by the Police Advisory Commission as required by the Philadelphia Home Rule Charter. This report is for Fiscal Year 2000: from July 1, 1999 through June 30, 2000. The Commission welcomes comments and inquires regarding the contents of this report, or concerning any aspect of the Commission's mission or operations.

## I. INTRODUCTION: A BRIEF HISTORY

The first official police department oversight agency for Philadelphia was the Police Review Board that was established by Mayor Richardson Dilworth on October 1, 1958. The Review Board consisted of eight members appointed by the Mayor. The eight members served at the Mayor's pleasure, and were not compensated for their work on the Review Board.

The Police Review Board was an independent, citizens' Board that had as its primary purpose providing an official forum for the airing of grievances by members of the public alleging various types of improper police conduct. The Board had no enforcement authority; its recommendations, depending on the nature of the recommendation, were forwarded to the Mayor, the City Managing Director or the Police Commissioner.

The existence of the Board was challenged on two occasions. The first challenge was in 1959. Brought by the Fraternal Order of Police (FOP), the legal challenge resulted in the change of the name of the agency from the Police Review Board to the Police Advisory Board. In 1965, another challenge by the FOP resulted in a 1967 Court of Common Pleas opinion that invalidated the Board. Mayor James Tate finally dissolved the Police Advisory Board on December 22, 1969 by his Executive Order 3-69.

Between 1969 and 1994 there was no official external (to the Police Department) complaint or oversight agency. Civilian complaints had to be filed through the police department's Internal Affairs Division, and all investigations were conducted internally pursuant to police department procedure.

On June 10, 1993, the City Council, overriding the veto of Mayor Edward Rendell, passed bill no. 317 creating a new "Police Advisory Board" within the Managing Director's Office. The new Board was empowered to investigate and study police policies and conduct, but its role remained strictly advisory. On that same day, the City Council, also overriding the Mayor's veto, passed bill no. 297 establishing internal Police Department procedures for the handling of citizen complaints. Passage of the bills led to further discussion and negotiations between the City Council and the Mayor on the oversight issue as well as the handling of citizen complaints by the Police Department.

On January 1, 1994, Mayor Rendell announced the formation of the Police Advisory Commission to study police procedures, and investigate citizen complaints of police abuse in Philadelphia. The Commission was established by Executive Order 8-93. A companion Executive Order, 9-93, established internal procedures for the handling of citizen complaints by the Police Department that provided for greater public access and review. See Appendix for copies of Executive Orders 8-93 and 9-93.

The Police Advisory Commission held its first official meeting during February, 1994, but did not become fully operational until July of that year. The role of the Commission as set forth in Mayor Rendell's Executive Order was, and continues to be, completely advisory.

Between 1995 and 1999, the Commission endured and survived five legal challenges by the FOP. Specifically in 1995, the FOP sued the City of Philadelphia, Mayor Rendell and former Police Commissioner Richard Neal in an attempt to strip the Commission of its authority. On November 18, 1997, Judge Marvin Halbert of the Philadelphia Court of Common Pleas dismissed the FOP's lawsuit. The FOP subsequently appealed that order to the Commonwealth Court, however the Commonwealth Court upheld the lower court's decision. The FOP then attempted to take an appeal to the Pennsylvania Supreme Court, but in 1999 the Supreme Court refused to hear the appeal terminating the FOP's legal challenges.

The authority and mandate of the Commission is now clearly established although the FOP continues in its opposition to the Commission's existence. The Commission's authority was also reinforced by the issuance of Commissioner John Timoney's General Order 7595 in June 1998. Also see, Appendix.

## II. THE POLICE ADVISORY COMMISSION: AN OVERVIEW

The Police Advisory Commission is an autonomous, all civilian, non-police agency charged with the responsibility of monitoring, and helping to improve the relationship between the Philadelphia Police Department and the general public. To that end, the Commission is authorized to conduct fact-finding investigations concerning individual allegations of police misconduct and/or concerning broader issues of police department policy or procedures.

The jurisdiction of the Commission is limited to allegations of physical abuse, abuse of authority and certain types of verbal abuse. The fact-finding investigatory power of the Commission may be initiated upon the request or petition of a member of the public, the Police Commissioner, or upon the Commission's own initiative.

The Commission is empowered to conduct public hearings, subpoena witnesses, compel police officer testimony and review police documents. The Commission can make findings, and as appropriate, make recommendations to the Mayor, the Police Commissioner and the Managing Director regarding the disciplining of individual police officers, police practices or policy.

The Commission has a full-time complement of six employees: the Executive Director, an Administrative Director, a Chief Investigator, two Special Investigators and one Receptionist/Typist. The Commission itself consists of 15 permanent members and 4 alternate members all of whom are appointed by the Mayor; but seven of who must be selected by the Mayor from a candidate's list produced by the City Council. Commission members serve for a term of four years and are not compensated for their work on the Commission. The Appendix contains a listing of the Commission members as of July 1, 2000 together with their respective term commencement and expiration dates.

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### III. REPORT OF THE CHAIR

After several years during which there existed various vacancies on the Commission, all permanent and alternate member positions were filled. New Commissioners appointed during FY 2000 included noted attorneys James J. DeMarco, Robert S. Nix, James A. A. Pabarue and Joseph Stapleton. Also named were community organizer and well-known clergyman Rev. Robert P. Shine, Jr.; community advocate and businessman Michael Weiss; and community and civil rights advocate Anthony Holloway. These recently appointed members have already shown their dedication to the Commission's purpose and efforts. We are grateful for their support and their services. The Commission warmly welcomes its newest members.

This fiscal year the Commission also saw the appointment of William Johnson to the position of Chief Investigator. Under his experienced guidance, the quality and content of our investigations has continued to improve. Also joining the staff during the fiscal year as a Special Investigator was Grisette Perez, formerly of the Human Relations Commission.

The Commission again expresses its gratitude for the services of the law firm of Montgomery, McCracken, Walker & Rhoads, LLP. The dedication of the firm's lawyers continues to enhance the effectiveness of the Commission. The Commission is particularly grateful to James J. Eisenhower III, Brendan T. Conway, Michael Twersky, Michael Butler, Jeannette Melendez and John Ehman, all of whom conducted panel hearings, and generally supported the work of the staff and the Commission during the year.

During this fiscal year, the Commission worked diligently on moving completed investigations to hearings. We initiated, or completed a total of thirteen (13) panel hearings. The panels heard testimony and accepted evidence, and upon completion issued reports setting forth conclusions, the basis for the results, and then presented the conclusions to the full Commission for review and endorsement.

The Commission reviews the findings of the panels and decides whether or not the complainant's allegations should be sustained, and if so, what discipline to recommend. A final opinion of the Commission with the facts, conclusions and recommendations is then forwarded to the Police Commissioner, the Mayor and the Managing Director. A summary of the results of the Commission's hearing process during the fiscal year is included herein under Operations (p. 11 & 13). Also see Appendix for a copy of the last opinion issued during the fiscal year: In Re Gordy/Lauber.

The Commission continued during the past 12 months to reach out to the many communities of our city. A public meeting was held in South Philadelphia at the Fels Community Center. At this meeting, as per its tradition, the Commission presented an award, Certificate of Merit, to a Philadelphia Police Officer, Kevin Foster, who was a runner-up for the International Association of Chiefs of Police, National Police Officer of the Year Award for 1999.

In addition, as noted in the section on community outreach (p. 17 herein), the Executive Director, Hector Soto, and Commission staff continued their proactive efforts for community outreach and education. An indication of the success of our efforts is reflected in the increase number of complaints filed, and the greater visibility of, and support for the Commission.

In the upcoming fiscal year, the Commission looks forward to focusing on policy issues, and on further facilitating our accessibility and assistance for all of the citizens of Philadelphia.

#### IV. REPORT OF THE COUNSEL

Counsel for the Commission has been active in representing the Commission during numerous challenges this fiscal year. The Commission is represented by the law firm of Montgomery, McCracken, Walker & Rhoads, LLP. The following summarizes counsel's activities between July 1, 1999 and June 30, 2000.

Counsel for the Commission assisted in conducting 13 panel hearings during the fiscal year. During those hearings, counsel questioned all civilian witnesses and police officer witnesses. Counsel also provided support and advise during deliberations. Finally, counsel reviewed all Commission opinions before their release to the Mayor, the Managing Director and the Police Commissioner.

During the fiscal year, counsel also 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. However, counsel is monitoring a civil lawsuit filed by a former Commission member, Judith Savitt, against the FOP alleging defamation of character because of criticism resulting from her work with the Commission.

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

## V. OPERATIONS

### A. GENERAL PROCEDURES

Complaints within the jurisdiction of the Commission are known formally as Civilian Complaints Against Police, or CAPS. CAPS are the subject matter of the Commission's Executive Order 8-93. Companion Executive Order 9-93 established internal procedures for the Police Department's handling of such complaints usually by the Department's Internal Affairs Division (IAD). As such, the Commission and IAD have overlapping jurisdiction concerning CAPS, (copies to each Order are included in the Appendix).

Complainants are free to file with either agency. Filing with the Commission will lead upon written authorization of the complainant to the prompt forwarding of his/her complaint to IAD for its possible initiation of a parallel investigation. However, filing with IAD will not lead to a referral to the Commission even upon request of the complainant. IAD is not required, and does not voluntarily inform complainants about the availability of the Commission.

IAD conducts a parallel investigation for every complaint referred by the Commission. However, the Commission is not aware of IAD's initiating an investigation on any complaint not accepted by the Commission and forwarded pursuant to the complainant's authorization, even if the subject matter of the complaint falls squarely within the jurisdiction of IAD. Indeed, the Commission is not aware of IAD's initiating an investigation into any complaint not accepted by Commission for investigation.

The Commission upon complainant's authorization also makes referrals to other City, State and Federal agencies on filed complaints falling outside of its jurisdiction, for example, a complaint concerning a target officer who is not a member of the Philadelphia Police Department.

During fiscal year 2000, complaints filed with the Commission were reviewed by Commission staff, specifically the Commission's Chief Investigator, for subject matter jurisdiction and compliance with procedural prerequisites. The Chief Investigator can accept the complaint, initiating a field investigation, or recommend its referral or rejection. Complaints not accepted after initial review must be presented by the Chief Investigator to the Commission's Investigatory Review Committee (IRC) for their review and endorsement. Complaints not accepted for investigation and not referred are administratively closed. Prior to FY 2000, the IRC conducted the initial assessment, and made the initial decision on acceptance. The Commission accepted for investigation 149 of the 172 complaints filed, or 87%, during FY 2000.

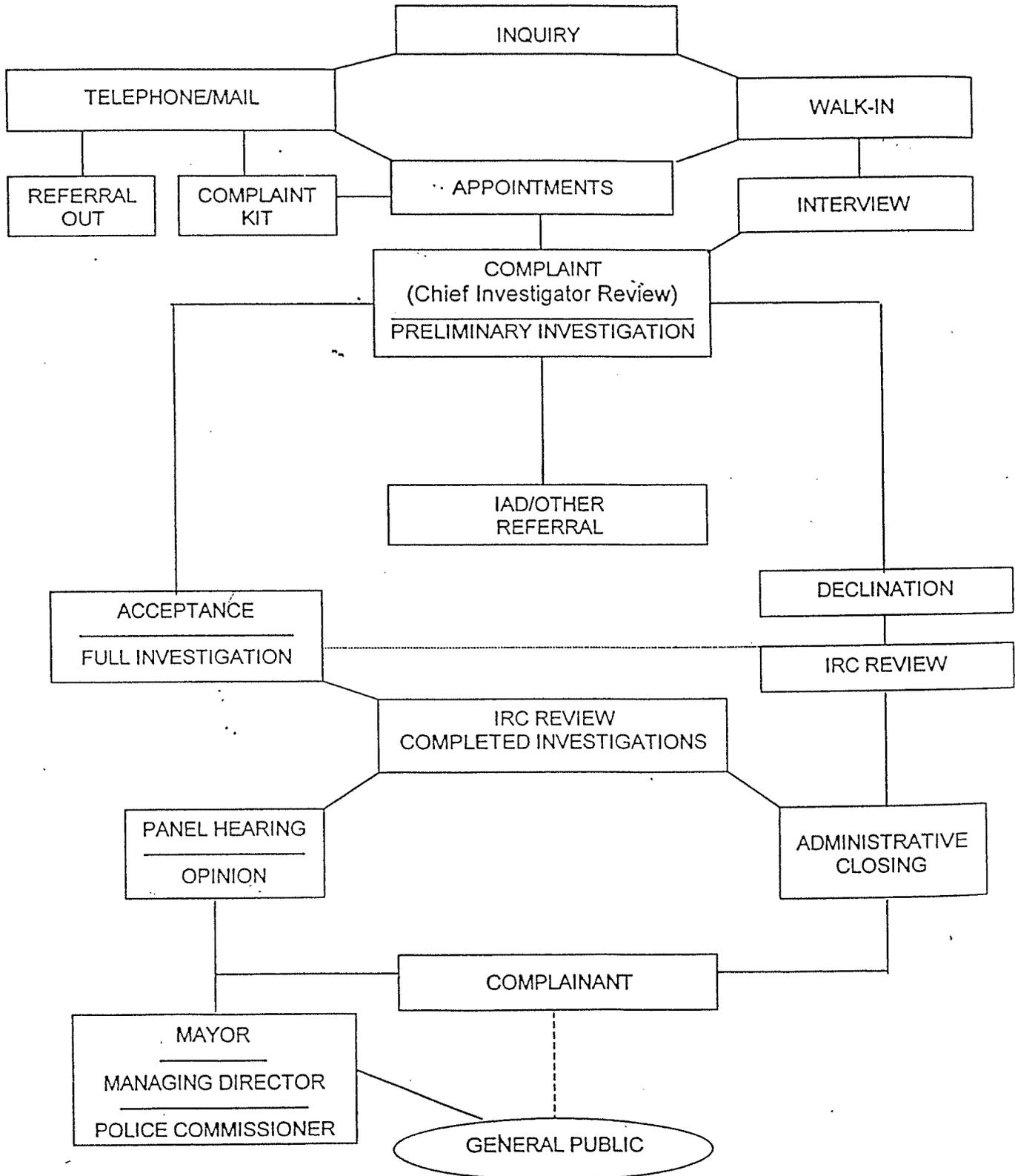
The long-term objective of the Commission is to have a docket with no complaint being more than 12 months old. By the end of calendar year 2000, the Commission's docket should consist primarily of complaints filed during 1999 and 2000. Investigations continue to be prioritized by age and/or seriousness of the allegations. At the end of July, 2000 the Commission had 128 open investigations. Ten percent (10%) were cases from

continue to be prioritized by age and/or seriousness of the allegations. At the end of July, 2000 the Commission had 128 open investigations. Ten percent (10%) were cases from 1998 or older, 25% were from 1999, and 65% were investigations of complaints filed during calendar year 2000.

All complainants receive written acknowledgment of their filed complaint within seven (7) days of filing. Similarly, complainants receive prompt written notification of acceptance, or declination. Graphic 1 below describes the inquiry and complaint processing procedure from intake through disposition.



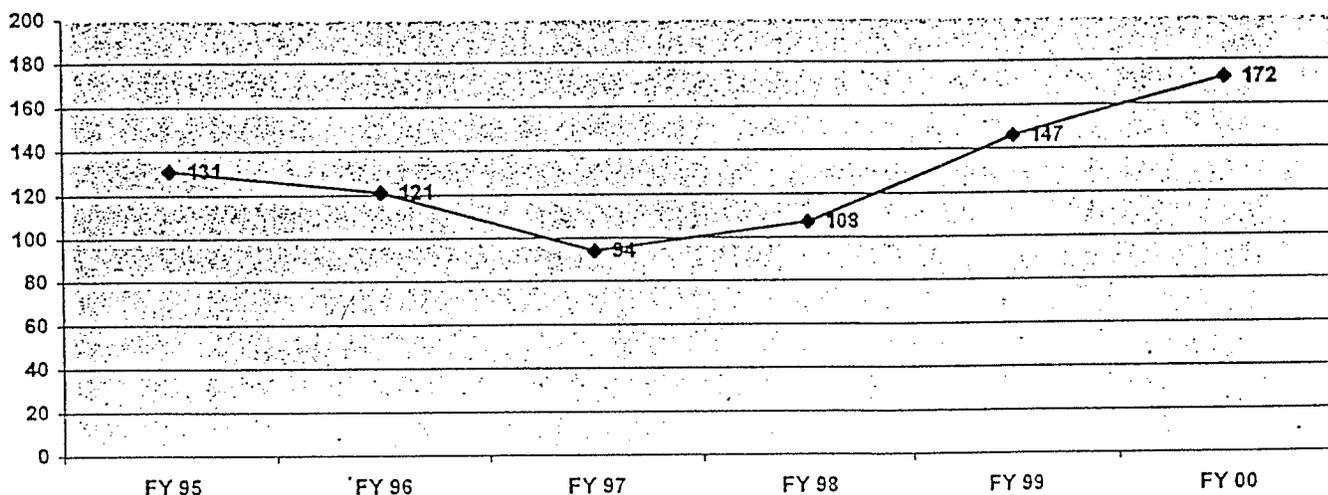
Graphic 1: COMPLAINT AND INQUIRY PROCESS



## B. COMPLAINTS AND JURISDICTION

For the Fiscal Year 2000, 172 complaints were filed with the Police Advisory Commission. These complaints represent approximately 25% of the 698 (an increase of 10.6% from the FY1999 total of 631) total number of CAPS filed by members of the public with either the Commission or the Police Department. The 172 CAPS filed with the Commission represent a 17% increase as compared to the 147 CAPS filed during fiscal year 1999; a 59% increase as compared to the 108 CAPS filed with the agency during fiscal year 1998 and an 83% as compared to 1997. The chart in the Graphic 2 tracks the number of complaints for each fiscal year retroactive to fiscal year 1995, the Commission's first complete fiscal year of operation.

Graphic 2 : COMMISSION COMPLAINTS PER FISCAL YEAR



The upward trend in the number of CAPS filed with the Commission during the last three (3) fiscal years continues unabated into FY 2001 (18 complaints were filed during July 2000: none related to the Republican National Convention). The reasons for the continuing increase are not apparent although the following may be contributing factors: 1)more awareness and sensitivity on the part of the public regarding the issue of police misconduct; 2)better knowledge of, and accessibility to the Commission by the public; 3)more police on the streets; 4)IAD's move to the Northeast; 5)more aggressive policing by the Department.

Of the total number of CAPS filed with the Commission, 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 2000. 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 1999, 57 abuse of authority complaints were filed. For fiscal year 2000, 88 complaints were filed, an increase of 54%. Abuse of authority complaints comprised 51% of the total number of complaints received by the Commission during FY 2000. Since fiscal year 1995, abuse of authority complaints have been the most prevalent type of complaint.

CAPS alleging "physical abuse", that is, complaints having as a primary allegation the use of unreasonable force, that is unnecessary or excessive force by a police officer accounted for 55 or 32% of the 172 complaints filed with the Commission during the fiscal year. This was the second most prevalent type of complaint filed during fiscal year. 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 civilian's race, ethnicity, sex, gender preference, sexual orientation, disability or religion comprised 3.5%, or 6 complaints, of the 172 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; or complaints primarily alleging lack of service, that is, failure of the Police Department to provide adequate or proper public safety service, for example, failure of the police to respond to a call for assistance. Also outside of the Commission's purview are complaints containing primary allegations of criminal activity or corruption (bribes, gratuities, etc.). These complaints may be initially 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 appropriate review and action.

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 generally also referred to the Internal Affairs Division for its consideration and possible action (IAD does not have the 180 day limit). However, complaints filed with IAD before expiration of the Commission's 180 day statute of limitations, and then filed with the Commission after the 180 days may be accepted for investigation. The Commission retains discretionary authority Under the Executive Order to study any specific individual incident regardless of its age.

During FY 2000, 23 complaints, or almost 13% of the total number of complaints filed with the agency were not accepted and/or referred to IAD or other agencies. Although these complaints did not result in field investigations by the Commission, each complaint required at least one full interview, written documentation, a referral letter and administrative processing time.

In addition during FY 2000, Commission staff handled a daily average of ten telephone inquiries from members of the public concerning other police or city related matters. Some of these inquiries also required written documentation and follow-up. In general, however, inquiries of this type were individually screened, and if possible, referred by telephone to the Police Department or other appropriate agency. See Appendix for copies of the Commission's Complaint Form and related documents.

### ***C. COMPLAINANTS***

The 172 complaints filed with the Commission during fiscal year 2000 represent 172 complainants. During FY 2000, Latinos comprised approximately 9.8% of the complainant pool; during FY 1999, Latinos were 12% of Commission complainants. Historically (thru FY 1999), Latinos had averaged approximately 16% of Commission complainants. African-Americans historically have been 56% of Commission complainants; during FY 2000, they were 67.5% of complainants. Complaints by non-Latino whites were approximately 20.4% of the total number of complaints filed with the Commission during the fiscal year. Historically, non-Latinos whites have comprised 26% of the complainant pool. Asians and others accounted for less than 1% of the FY 2000 complainant pool; a percentage unchanged since FY 1999.

Most complainants during FY 2000 were males, 100 or 58%. Female complainants were 44% of the African-American total; 41% of the Latino total; and 37% of white non-Latino total.

The composition of the Philadelphia Police Department during FY 2000 remained at 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 1999 was approximately 46% white, 44% African-American, 6% Latino; 4% Asian (Source; U.S. Census Bureau, 1999 estimate).

### ***D. MEDIATION***

The effectiveness of the mediation program established by the Commission in 1994 was still hampered during FY 2000 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 continued in its general objection to the existence of the Commission; operational to the extent that there still are outstanding issues regarding confidentiality, control, security, impartiality and finality of resolution. These and other issues need to be further addressed.

Commission staff attempted during FY 2000 to meet with FOP representatives to discuss the outstanding issues, but could not obtain a meeting. Preliminary discussions concerning mediation were held with the Police Department in the person of Deputy

Commissioner John Norris to discuss how a revised program would operate, and how mediated complaints will be handled as concerns an officer's disciplinary record.

Discussions will continue into FY 2001, however, there is some general agreement with the Police Department on the general principle of mediation, and making it available under limited circumstances to police officers the subject of certain types of Commission complaints. The Commission has also approached the Philadelphia Commission on Human Relations as a possible provider of mediation services, at least for the initial mediations.

The Commission persists in the position that mediation 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 restructuring of the mediation program will continue to be a primary objective of the Commission during the remainder of calendar year 2000.

The use and importance of mediation as a tool for resolution of civilian complaints against police is underscored by its being a primary workshop topic at the annual conference of the National Association of Civilian Oversight of Law Enforcement during September, 2000. The Commission intends to be present at that conference.

### ***E. INVESTIGATIONS***

The two Special Investigators working for the Commission during FY 2000 had an average caseload of 45 cases. The Chief Investigator, whose primary responsibilities are supervisory and managerial, had an average caseload of 20 during the same period. Upon information and belief, IAD investigators handling similar CAPS had an average caseload of 15 to 20. The Commission's Special Investigators routinely carry caseloads two to three times that of his/her IAD counterpart, and without the organizational support and additional resources provided IAD by the Police Department.

During FY 2000, Commission investigators interviewed 172 complainants, and 60 target and witness police officers. During the same period, the Commission investigators also interviewed an estimated 300 civilian witnesses (not complainants). Investigators also monitored numerous criminal and civil judicial proceedings involving either complainants or target officers.

All completed investigations were reviewed by the Commission's Investigatory Review Committee (IRC) for determination as to whether or not there would be a fact-finding hearing as part of the fact-finding process. Investigations are reviewed for completeness and legal sufficiency. If upon review the IRC determined that an investigation did not warrant a hearing, the investigation was administratively closed. Twenty-seven (27) investigations were administratively closed as a result of the IRC's review.

Investigations approved for a hearing were scheduled as soon as possible. However, there was during the fiscal year a scheduling delay of approximately four months. Complainants were notified in writing of the IRC's decision concerning a hearing within 10 days. The IRC met 12 times during FY 2000 to review completed investigations and rejected complaints.

## **F. HEARINGS AND OPINIONS**

The Commission initiated and/or completed 13 investigative hearings on complaints during FY 2000. Known as panel hearings, these hearings are fact-finding inquiries conducted by Commission members sitting as panels of not less than three members. 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 (peripheral officers). Questioning of witnesses by the Commission in the first instance is conducted by Commission counsel, and then panel members. Witnesses may have an attorney present, but it is not required.

Panel hearings are usually 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 to the hearings, 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, demeanor or other. Panel hearings usually require 6 to 8 hours for the taking of testimony and deliberations.

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 report that must be reviewed and approved by the full Commission prior to its release. The final opinion is 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 opinion on the same day that the opinion is delivered to the Mayor. See Appendix for a copy of the last Opinion of FY 2000: In Re Gordy/Lauber.

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 John Timoney continued during the year to be diligent in providing the Commission with his responses. However, through the end of FY 2000, 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). Through FY 2000, Commissioner Timoney has been sent eighteen (18) Commission opinions since the start of his tenure.

On the other hand, the Commissioner has accepted some complaint-specific recommendations as recommendations for possible new general training, or for changes in general training. He has also, in some instances, agreed to forward the opinion and decision of the Commission to the target officer's immediate supervisor for his/her review and/or appropriate action. It remains true however that the Commissioner for the most part has not accepted the Commission's recommendations. 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 Commissioner has also raised the issue of mitigation based on a police officer's prior record and time on the job. The Commission agrees that this is an important issue, and in November 1999 it requested discussions with the Commissioner on how that information could be provided to the Commission. No response had yet been received from the Commissioner as of the end of the fiscal year (June, 2000).

**Graphic 3: COMMISSION PANEL HEARINGS, RECOMMENDATIONS & POLICE RESPONSE**

<u>FILE</u>	<u>RECOMMENDATION</u>	<u>RESPONSE</u>
N. Nash-Kendrick PAC #960234	No recommendation for discipline	Report acknowledged (Supplementary investigation initiated)
Maria Mulero PAC #940054	Opinion Pending	
Cheryl Lackey PAC #960288	Opinion Pending	
Kathleen Brooks PAC #960292	Opinion Pending	
Emart Harley PAC #980355	No formal discipline: refer to target officers Commanding Officer	Rejected finding Declined Recommendation
Patricia Cleary PAC #980476	Opinion Pending	
William DeSilvas PAC #980471	Opinion Pending	
Gardner Taylor PAC #970356	Opinion Pending	
Marvin Hightower PAC #980526	Pending Commissioner's response	
Eric Colon PAC #970346	Pending conclusion of hearing	
Cleveland Joyce Taylor PAC #980408	Opinion Pending	
Stephanie Tedesco PAC #980570	Administratively Closed: Complainant Uncooperative	Information On Detention/Arrestee Procedures Received From Police Department 7/11/00
Gordy/Lauber PAC #970545	6 p/o's-10 days suspension each Pending conclusion of hearing	

The Commission's opinions, together with the Commission's cover letters for each as well as the Police Commissioner's response to each opinion is available from the Commission upon request.

**G. STATISTICAL DATA**

**Graphic 4: FISCAL YEAR COMPLAINTS BY MONTH THRU FY 2000**

Month	FY95	FY96	FY97	FY98	FY99	FY00
July	8	13	11	8	7	21
August	9	24	15	11	13	11
September	15	9	8	9	9	13
October	8	17	6	10	13	14
November	12	13	10	4	9	11
December	8	7	3	7	19	13
January	16	8	3	5	16	14
February	11	6	6	11	11	11
March	10	6	7	12	20	17
April	7	10	5	13	9	11
May	12	4	7	9	8	11
June	15	4	13	8	13	25
<b>TOTAL:</b>	<b>131</b>	<b>121</b>	<b>94</b>	<b>108</b>	<b>147</b>	<b>172</b>

**Graphic 5: RACE AND GENDER OF COMPLAINANTS: FY 1995 thru FY 2000**

Race/Gender	Actual	Percentage
African-American Females	180	23.1%
African-American Males	274	35.2%
Asian Females	1	<1%
Asian Males	4	<1%
Latino Females	36	4.6%
Latino Males	78	10%
White Females	60	7.7%
White Males	133	17.1%
Others (both genders)	12	1.5%
<b>Total:</b>	<b>778</b>	<b>100%</b>

Graphic 6: RACE AND GENDER OF COMPLAINANTS: FY 1999 VS. FY 2000

<u>Race/Gender</u>	<u>1999</u>	<u>Percentage</u>	<u>2000</u>	<u>Percentage</u>
African-American Females	37	25%	51	29.7%
African-American Males	41	28%	65	37.8%
Asian Females	0	0%	-	0.0
Asian Males	0	0%	-	0.0
Latino Females	5	3%	7	4.0%
Latino Males	13	9%	10	5.8%
White Females	19	13%	13	7.6%
White Males	31	21%	22	12.8%
Others (both genders)	2	1%	4	2.3
Total	148	100%	172	100%

Graphic 7: TYPE OF COMPLAINTS FILED: FY 2000

<u>Type of Complaint</u>	<u>Actual</u>	<u>Percentage</u>
<b>Acceptances:</b>		
Physical Abuse	55	37%
Abuse of Authority	88	59%
Verbal Abuse	6	4%
Total	149	100%
<b>Declinations: No Jurisdiction</b>		
Lack of Service	10	43.5%
Miscellaneous	13	56.5%
Total	23	100%

## **H. COMMISSION MEETINGS**

During FY 1999, the Commission held 11 regular "monthly" meetings. Monthly Commission meetings are held the second Thursday of each month at 6:00 PM at 34 S. 11<sup>th</sup> Street, on the 6<sup>th</sup> floor, at 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.

## **I. 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 2000. Neither the Police Department nor any member of the public requested that the Commission consider any particular issue 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 has also discussed holding a forum for adolescents and younger adults to voice their concerns regarding police behavior and misconduct.

The Commission expects to conduct a broad issue study during the latter part of calendar year 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 2000 continued to monitor and conduct research on the issue of racial profiling during car and pedestrian stops by the Philadelphia Police Department.

## **V. COMMUNITY OUTREACH**

The Commission's community outreach and education efforts continued strongly during FY 2000. Building on the foundation established during the previous year, the

Commission continued to build and strengthen its community base and organizational network. The Commission, during the fiscal year, conducted or participated in more than 60 meetings, presentations or workshops with community-based organizations, professional offices, governmental offices and/or political-community leaders to discuss the Commission and its services. Meetings and presentations included Police Commissioner John F. Timoney, Deputy Commissioner John Norris (Internal Affairs Division), City Managing Director John Martz, Juan Ramos, Director of the Office of Labor and Standards (former Commission member), the NAACP, the Black Clergy of Philadelphia, the Philadelphia Commission on Human Relations, Police-Barrio Relations Project, Temple LEAP, Safe and Sound, ASPIRA, the School District of Philadelphia (and subdivisions there from), the Philadelphia Gay and Lesbian Task Force, the Hispanic Bar Association, PILCOP, the Civil Rights Committee of the Philadelphia Bar Association, the American Civil Liberties Union, Rutgers Law School, Colours, the Civilian Police Academy of the Philadelphia Police Department, Kensington H.S. Pre-law Program, Mother's Organized Against Police Brutality, the Mayor's Office of Community Services, et al.

The Commission also met with numerous governmental representatives including the Hon. State Representative Harold James, Hon. State Representative Ben Ramos, Hon. City Council Member Michael Nutter, Hon. City Council Member Wilson Goode, Hon. City Council Member Donna Reed-Miller, Hon. City Council Member Blondell Reynolds Brown, Hon. City Council Member Angel Ortiz, and the Hon. City Council Member Darrell Clarke. In addition, Hon. City Council Members Frank DiCicco and Frank Rizzo attended and addressed the Commission during its community-based meeting in South Philadelphia held on April 13, 2000.

The Commission also participated in six (6) local or national forums concerning police accountability and/or civilian oversight. These included the national convention of the Children's Defense Fund; the national conference of the National Association of Civilian Oversight for Law Enforcement; the Mayor's Anti-Crime Summit; the Youth Conference at Rice High School in Harlem, New York City; University of Pennsylvania Symposium on "Race, Crime and the Constitution"; the Barrister's seminar on "Racial Profiling".

Media coverage of the Commission and its activities during FY 2000 was more frequent and more consistent both in the print and electronic media. Coverage included The Inquirer, the Daily News, The Philadelphia Tribune, the City Paper, the Philadelphia Weekly, the Philadelphia Gay News and the South Philly Review. Electronic media included Fox News, ABC News, KYW-TV and the Philly TV News. The Commission also appeared on Conección Latina on WYBE as well as on WHAT, WKYU and Radio Salvación. Jeanette Hernández Harris, representing the Commission, also appeared on "Punto y Aparte", a Spanish-language news discussion program.

The Commission believes that the increased interest and coverage is attributable in part to the more assertive and active public affairs strategy and operations initiated during the last year. The Commission also believes that its enhanced presence and

accessibility in the community as well as its increased workload activity is creating more interest.

The Commission continues to explore the possibility of establishing a website for online distribution of services and information. Making the Commission more community friendly and accessible was a guiding principle during FY2000, and will continue to be a guiding principle during FY2001.

The resource materials previously developed by the Commission continued to be utilized during the past fiscal year. The second edition of PACER, the Commission's official newsletter, was released during March, 2000 in anticipation of the community-based meeting scheduled for April in South Philadelphia. The lead article of the newsletter focused on the issue of "Aggressive Policing v. Community Policing". More than 500 copies were distributed. See Appendix for a copy of PACER.

The Commission's bilingual brochure in Spanish continued to be distributed at a rapid pace throughout the year: more than 2000 copies were distributed. The translation of the brochure into Chinese, Cambodian, Vietnamese, Russian, Yiddish and Arabic could not be accomplished by the end of the fiscal year. However, by the end of calendar year 2000, the objective should be achieved. At least 500 of each newly translated brochure will be developed and distributed immediately. Also see Appendix for copy.

Complaint kits, that is, packets containing the 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. Forty-four (44) kits were mailed to prospective complainants during the fiscal year in response to telephone inquiries. Additional complaint kits and/or information were distributed to community-based organizations such as the Police-Barrio Relations Project and Mothers Organized Against Police Brutality.

The Commission expects continued expansion of its community outreach and education efforts. The Commission believes that the continuing increase in the number of complaints filed with the agency, and increased general inquiries to the agency are due in part to the Commission's enhanced visibility and community acceptance as cultivated by its community outreach and education program.

## VI. PERSONNEL & BUDGET

### A. *PERSONNEL*

#### 1. STAFF

Commission staff remains at 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

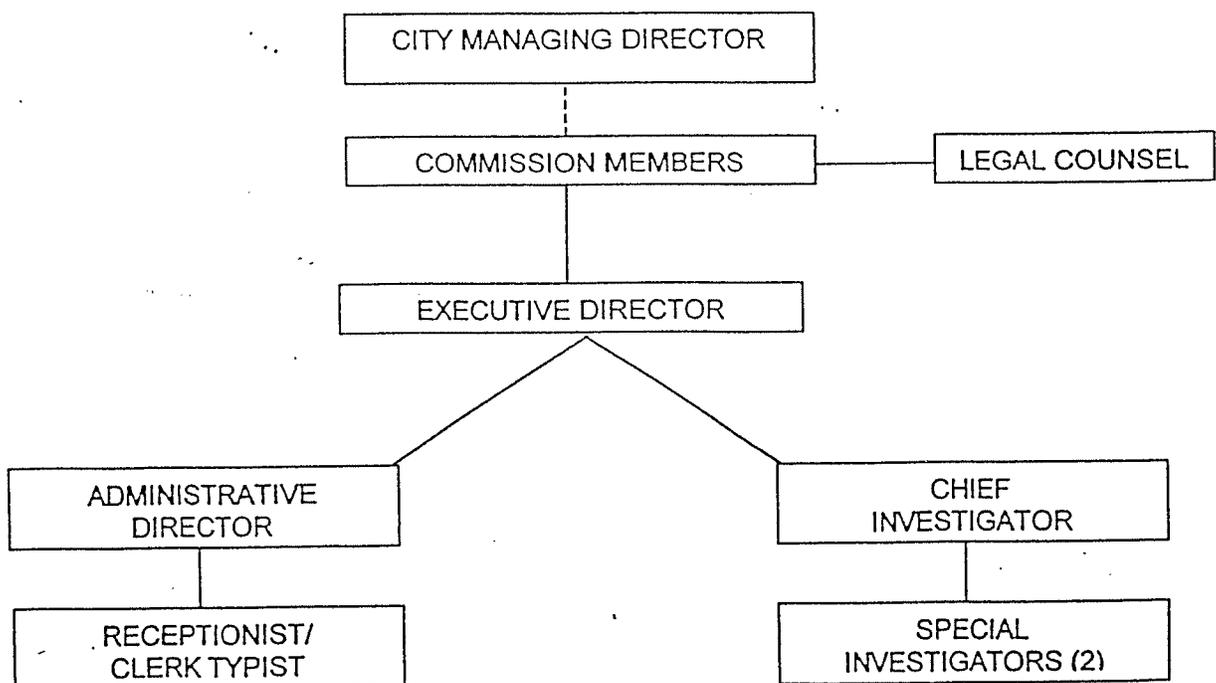
"apprentices" placed by the Transitional Work Corporation, a welfare to work support program. Additional staffing was also provided by a legal intern placed through the public service program of Rutgers Law School. See Graphic below, Organizational Chart. During the fiscal year, Mr. William M. Johnson joined the staff as the Commission's new Chief Investigator, and Ms. Grisetta Perez joined as a new Special Investigator, replacing William J. Smith and Samuel Carrasquillo respectively. The Commission acknowledges and thanks former staff members Smith and Carrasquillo for their commitment and service.

## 2. COMMISSION MEMBERS

Commission membership was complete for most of fiscal year 2000, however, the terms of four Mayoral appointees expired in February 2000. All four members have continued to serve. One City Council appointee, Ms. Judith Savitt, resigned on May 1, 2000, and her position was immediately filled by an alternate member, Robert S. Nix, Esq. That alternate member vacancy continued through the end of the fiscal year. Another City Council appointee, Mr. Eddie Graham, was replaced as a Commission member during November, 1999. When at full complement, the Commission has fifteen permanent members and four alternate members. The Commission membership list as of June 30, 2000 is included in the Appendix.

The Commission recognizes the achievements of former Commission members Eddie Graham and Judith Savitt, and thanks them on behalf of Philadelphia for their dedication and service to the community.

Graphic 8: POLICE ADVISORY COMMISSION ORGANIZATIONAL CHART



## **B. Budget**

The Commission's FY 2000 operating budget, original appropriation, was \$395,069. The FY2000 operating budget was approximately the same as the Commission's operating budget for FY 1999 of \$ 394,535. The FY 2000 estimated obligations totaled \$384,174, or more than 97% of the original appropriation. The approximate \$10,700 difference between the original appropriation and the final obligations was due entirely to unspent personnel salary (Category 100) expenditures caused by temporary staffing vacancies. The Commission's FY2001 operating budget is projected at \$389,525 which is \$5351 more than the estimated final FY2000 obligations, but \$5422 less than the FY 2000 original budget appropriation.

The Commission, like the Police Department that it oversees, is a labor intensive operation. The bulk of the operating budget, approximately 75%, is consumed by personnel expenditures. If the \$40,000 in the budget dedicated to legal personnel services is included as a personnel expenditure, then personnel services account for almost 85% of the projected FY 2001 operating budget. The Commission's FY 2001 budget is less than 1% of the Police Department's FY 2001 original appropriation. The Commission's budget has remained basically unchanged since its initial FY1995 budget.

## **VII. CONCLUSION**

The Commission enjoyed a very productive and effective fiscal year 2000. The Commission looks forward to an even more productive and proactive fiscal year 2001. Notwithstanding that its resources and operational capabilities, as currently structured, are nearing maximization and require upgrading.