



***Police Advisory Commission
FY2002 Annual Report***

FOREWORD

This is the Ninth Fiscal Year Report issued by the Police Advisory Commission since commencement of operations in 1994. This report covers fiscal year 2002, from July 1, 2001, to June 30, 2002. The Commission welcomes inquiries and comments concerning the contents of this report. The Commission can be reached by calling 215-686-3991; its mailing address is P.O. Box 147, Philadelphia, PA 19105-0147; email to the Commission can be sent to police.advisory@phila.gov. Additional information regarding the Commission is available on the Commission website, <http://www.phila.gov/pac> The Commission thanks the public for their continuing interest and support.

MISSION STATEMENT

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

To fulfill its mission, the Commission is authorized to conduct investigations of individual citizen complaints of police misconduct, and/or studies of police department policies, procedures or practices. Findings and recommendations made by the Commission are forwarded directly to the Mayor, the City Managing Director and the Police Commissioner for their review and appropriate action.

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I. MEET THE COMMISSION

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

A. Commission Members



William T. Cannon, Esq. Chair

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



**Charles V. Harris
Vice Chair**

Mr. Harris is a resident of Yorktown, who served 34 years with the Philadelphia Police Department, including the Civil Affairs Unit. He retired in the rank of Lieutenant. Mr. Harris has been a Commission member since 1994.



**Robert Nix, Esq.
Vice Chair**

Mr. Nix is a resident of Fox Chase, Mr. Nix is a 1986 graduate of Texas Christian University, and a 1994 graduate of the University of Maryland. He received his JD from Temple University in 1997, and specializes in civil litigation with the firm Pepper Hamilton LLP. Mr. Nix is an active member of the Hispanic Bar Association.



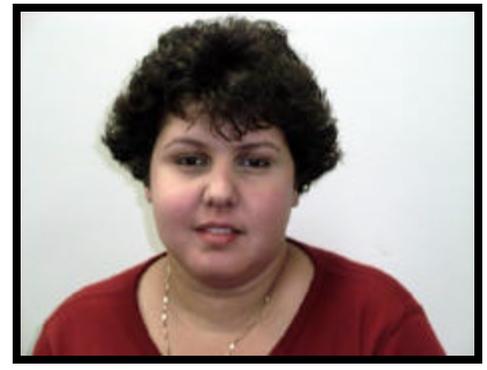
Mary Ellen Krober, Esq.
Vice Chair

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



Jane Dalton, Esq.
Member Emeritus

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



Carmen Marrero

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



Dorothy F. Cousins

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



Paul Uyehara, Esq.

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



Joseph T. Stapleton, Esq.

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



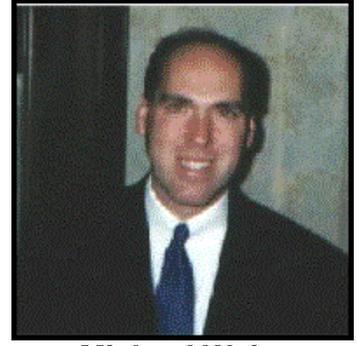
Ronald Burton, Ph.D

Dr. Burton is a resident of Overbrook, and president of the Center for Social Welfare Concerns, a national consulting firm. He is also Chair of the Philadelphia Division, Pennsylvania Chapter, of the National Association of Social Workers.



Vivian Ray, Ph.D

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



Michael Weiss

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



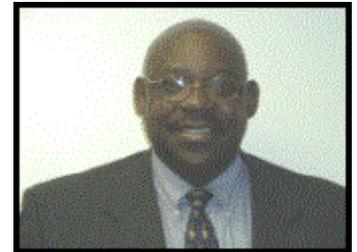
Rev. Robert P. Shine Sr.

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



Novella Williams

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



Anthony K. "Rocko" Holloway

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

B. COMMISSION COUNSEL

As a City agency, the Commission is officially represented by the City Solicitor for most external legal matters. However because of its status as an independent entity, the Commission has always had private counsel for its day-to-day consultations on operational and policy matters, and the conducting of Commission hearings. From its inception in 1994, the Commission has been privileged to have its private legal representation provided primarily as pro bono service by the prestigious Philadelphia law firm of Montgomery, McCracken, Walker & Rhoads, LLP.



**Richard Scheff, Esq.
Lead Counsel**



**Michael Butler, Esq.
Associate Counsel**

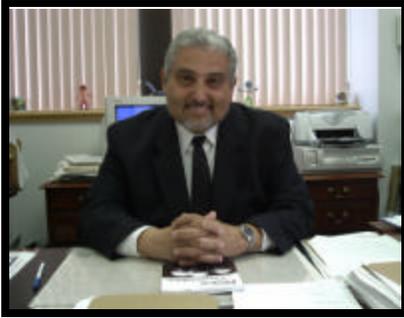


**Jill Baisinger, Esq.
Associate Counsel**



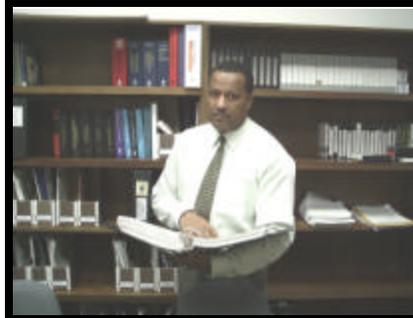
**Jeanette Melendez-
Bead, Esq.
Associate Counsel
(Through May, 2002)**

C. COMMISSION PERSONNEL



Executive Director Hector Soto

Mr. Soto has been involved with police oversight and related police-community relations issues as an attorney since 1979. Before his appointment to the Commission as Executive Director in 1998, he served as the Executive Director of the New York City Civilian Complaint Review Board from 1994 to 1996. Mr. Soto also served as the Department Advocate for the NYPD from 1994 to 1996. He also spent five years as a staff attorney for the Puerto Rican Legal Defense and Education Fund. Mr. Soto is a resident of Germantown.



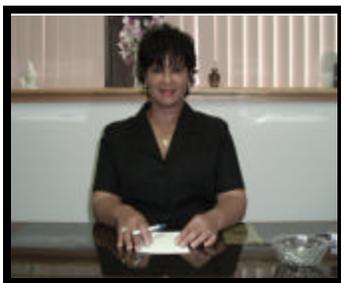
Chief Investigator William Johnson

Chief Investigator William Johnson began working for the Commission during November 1999. In addition to operating his own private investigation agency for 10 years, Mr. Johnson has worked as a consultant to various law enforcement agencies, and brings to the Commission more than 20 years of investigative and managerial experience in both criminal and civil law settings. He has been a guest lecturer on surveillance and investigative techniques in insurance claims. Mr. Johnson comes from a family of Philadelphia police officers, including his father, a retired Detective, his brother, an Inspector, and his uncle. He resides in Germantown.



Director of Information Services Kelvyn Anderson

A former Investigative Reporter for newspapers and magazines, Mr. Anderson worked as a private investigator for insurance companies and attorneys for five years before joining the Commission as a Special Investigator in November 2000. In November, 2001, Mr. Anderson assumed responsibility for the Commission's website, databases and computer systems. A resident of West Philadelphia, he has also worked as a Congressional Aide for U.S. Congressman Thomas M. Foglietta.



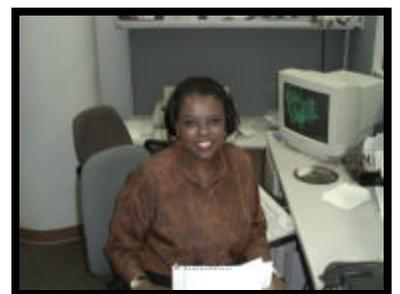
Special Investigator Ana Sostre

Mrs. Sostre received an Associate's Degree in Social Work from the University of Sacred Heart in Puerto Rico, and is also certified by the Dickinson School of Law as a Law Enforcement Officer. A Deputy Sheriff for the City of Philadelphia for the past 15 years, Mrs. Sostre also worked at the Maria de Los Santos Health Center as a billing counselor. Mrs. Sostre is a North Philadelphia resident.



Special Investigator Wellington Stubbs II

A graduate of Temple University, Mr. Stubbs has worked as an investigator for the past 18 years, including three years as an undercover agent in New York City, and 15 years with the New Jersey Insurance Fraud Bureau, where he was instrumental in the creation of the rate-evader unit. Mr. Stubbs served six years in the 5th Special Forces Group.



Administrative Assistant Jeanette Bennett

Ms. Bennett is a resident of West Philadelphia. She has worked for the City of Philadelphia since 1989, first with the Finance Director's Office, and then with the Department of Recreation. Ms. Bennett began working for the Commission in 1994. She is the Commission's senior staff member and its resident historian.



Nicole Smith (left) and Tojuana Jackson(right), FY2002 Interns from CITE, Inc.

II. Brief History of Philadelphia Civilian Oversight

Bruria Tal*

Civilian oversight entities have been since the 1950s the most commonly used governmental administrative tool to enhance police accountability. Police self-policing, although desirable, has been considered insufficient to accomplish complete accountability. Police, as other professional groups, need mechanisms to receive and respond to complaints and criticism of those served. However, the primary objective of civilian oversight is not merely to review the propriety of a police action in a given incident after the fact, or to merely review police policies and practices. Civilian oversight, irrespective of its form, has as its more general objective to provide the police with an external, independent and community-based point of view that represents the public, the ultimate consumer of the police service and the ultimate source from which the police power is derived (Soto, 2001a).

Public interest in the police, their policies, operations, and procedures, has increased substantially since the 1950s. This public interest has been mostly in response to revelations of police wrongdoing, and the realization that police services were no longer adequate to meet the needs of a heterogeneous population with differences of opinion on the investigative and enforcement practices of the police.

The police are both political and legal actors. In public discussions of civilian review they have been considered as administering the criminal law as defined by legislators and as interpreted by the judiciary. In the public discourse the police officers' decision on how the criminal law will be applied to people places them in an administrative role.

For all the leeway that police officers are granted in maintaining the public order, there is a general public consensus today that a civilian accountability mechanism aimed at reviewing police conduct represents the public's right to have input in the operation of its own governmental administration.

Of equal importance in the public discourse, police officers must be able to use the laws of the land to protect themselves from unfounded accusations, and capricious administrative actions. If the police officers' actions are legal they can be found to be so by a civilian review system.

A review of the history of the civilian oversight entities in Philadelphia reveals the challenges in relation to police accountability in communities where socio-economic problems have over time affected the interaction of the police with the community.

During the early and mid-1950s, the police commissioner's office handled the complaints by Philadelphia residents against police officers. By 1957, many citizens had concluded that the police department was incapable of impartiality in handling their complaints. In October 1958, Mayor Richardson Dilworth created a Police Review Board on the authority of the Philadelphia Home Rule Charter to appoint advisory

boards related to the operation of *any* city government department. The Board was authorized to review citizens' complaints against the police, alleging various types of "wrongful conduct of police personnel toward citizens" (Police Review Board, 1959).

The 1958 Philadelphia Police Advisory Board was considered "a pioneering venture," the first government agency outside a Police Department in the United States to consider complaints of civilians against police officers. The mayor-appointed five Board members were prominent Philadelphia citizens.

For almost its entire first year the agency was managed on a volunteer basis by one of its Board members. In 1959 the city administration appointed the Board's first executive director, and approved a \$3,600 budget, but did not formulate any regulations and procedures.

The Board developed its modus operandi from its experiences. The first set of regulations and procedures were codified in September 1959 (Police Review Board, 1959), and kept changing over the next seven years of the Board's existence. It had no power of subpoena, or enforcement authority. Complainants had to bring their own witnesses to the hearings.

The Mayors' policies stipulated that the Board's recommendations be carried out by the Police Commissioner, unless objections were communicated to the City Managing Director, and, ultimately, the Mayor (Rules of Practice, 1966).

In November 1961, the number of Board members was increased to eight, three members constituting a forum. A staff of two, an executive secretary and a stenographer, with an annual budget of \$15,227.00, constituted the agency. The Board made its recommendations to the Mayor, with copies to the Managing Director and to the Police Commissioner.

Between 1958 and 1965, and out of the some 800,000 arrests, 271 complaints were filed with the Police Advisory Board. The low number of complaints filed may have been due to lack of public awareness of the Board's existence. Complaints had to be in writing and could be withdrawn only with approval of at least two Board members to lessen possibilities of both police intimidation and civil rights militancy (Rules of Practice, 1966).

The first Board's existence was challenged three times by the Fraternal Order of Police's (FOP) questioning the Mayor's authority to establish the entity. The FOP's lawsuits against the Board in 1959, 1965, and 1967 disrupted the Board's activities, discouraged filing of complaints, and weakened the Board's civic support. In response to the 1959 FOP legal challenge, the board had to change its name from "Police Review Board" to "Police Advisory Board."

Some experts consider the name change to indicate the demise of the first civilian review board, and the start of the second. The 1967 FOP lawsuit led to the disbanding of the Police Advisory Board on December 22, 1969 by Mayor Tate's executive order. Handling of complaints was re-assigned to the police commissioner (Wallace, 1991:D09).

Legal experts at the time evaluated the Police Advisory Board to have been successful in applying citizen judgment to police policies and activities, and in developing “an informal procedure of complaint settlement” (Beral and Sisk, 1964). Martin Barol, who served as Board executive director in the early 1960s, commented that the civilian review board constituted “a real effort to make the [police] sensitive to the fact that they’re dealing with different types of people ... [and to advise] people [that] there’s a place to go if you’re being mistreated by government. If somebody in the Prothonotary’s Office mistreated you, it’s not the same as if a guy with a gun and badge mistreated you” (Gammage, 1993:B01).

Between 1969 and 1994 there was no official complaint or oversight agency external to the police department. The Philadelphia Commission on Human Relations reviewed some complaints. Over those 25 years, several ad-hoc commissions dealt with specific issues, such as the 39th district corruption scandal in 1988-9. In 1980 City Council discussed the establishment of another commission to deal with civilian complaints. These discussions proved futile, and complaints continued to be filed and investigated through the police department’s Internal Affairs Division. This arrangement created a potential conflict of loyalty for police investigators.

Councilman Michael Nutter led the 1992 civilian oversight debates, supported by two-dozen community and legal organizations, united as the Coalition for Police Accountability in the aftermath of several high-profile incidents. They demanded to reestablish a police advisory board to investigate allegations against police, and to review policies and practices. According to the coalition, the city spent over \$3 million to settle complaints against police in 1992 (McDonald. 1993:10). According to Police Internal Affairs, complaints of physical abuse had increased by 37 percent from 1989 to 1991.

The Citizens Crime Commission of Delaware Valley, after a lengthy review of the police department’s handling of complaints, supported the coalition’s demands. On June 10, 1993, City Council, overriding Mayor Ed Rendell’s veto, passed Bill No. 317 that created a “Police Advisory Board” reporting to the City Managing Director, and empowered to investigate complaints and to study police policies and procedures in an advisory role.

At the same time, City Council also passed bill no. 297 that defined internal Police Department procedures for the handling of citizen complaints. Passage of the two bills was followed by negotiations between City Council and the Mayor on the oversight issue, as well as the handling of citizen complaints by the Police Department (Police Advisory Commission, 2000).

In October 1993, Mayor Rendell signed the Executive Order 8-93 that established the Commission. A companion Executive Order, 9-93, established internal procedures for handling of citizen complaints by the Police Department. Mayor Rendell announced on January 1, 1994 the formation of the Police Advisory Commission to improve police-community relations by studying police policies, procedures and practices, and by investigating individual civilian complaints of police abuse in Philadelphia.

The Commission became fully operational only by July 1994. Its role, as defined in Mayor Rendell’s Executive Order, is strictly advisory. The Police Commissioner retains

the final say with regard to the disciplining of police officers (Police Advisory Commission, 2000).

Between 1995 and 1999, the FOP filed five suits against the Commission, challenging its authority to investigate police conduct and procedures. The first suit, in April 1995, was filed in response to the Commission's first major investigation – the 1993 beating death of Moises DeJesus, a North-Philadelphia tow-trucker. The FOP claimed that the Commission was an advisory, not an investigative entity, and that Mayor Rendell had violated the City Charter by appointing it – an interpretation that was rejected by the city administration, the Commission, and eventually the courts.

The FOP continues to oppose the Commission, whose mandate and authority have been reinforced by the court decisions and Police Commissioner John F. Timoney's General Order 7595 in June 1998.

The Commission is an autonomous, civilian, agency that is authorized to conduct fact-finding investigations concerning individual allegations of police misconduct and/or concerning broader issues of police department procedures. The Commission is empowered to conduct public hearings, subpoena witnesses, compel police officer testimony and review police documents. It can make recommendations to the Mayor, the Police Commissioner, and the Managing Director regarding the disciplining of individual police officers, police practices or policy.

The report of the Mayor's Task Force on Police Discipline states that the Commission "powers and duties include, *inter alia*: (i) advising the City's Managing Director and Police Commissioner "on policies and actions of the Police Department;" (ii) improv[ing] the relationship between the Police Department and the community;" (iii) reviewing "individual incidents" of police misconduct; and (iv) studying "broader issues ... of concern to the community, the Police Department, or the Police Commissioner." (Mayor's Task Force, 2001:49, quoting the Commission's Executive Order).

In his testimony before the 2001 Mayor's Task Force on Police Discipline, Hector W. Soto, the Commission's executive director, defined the entity's mission as one of "helping to improve the relationship between the Philadelphia Police Department and the general public. ... With its controversial founding in 1993, the Police Advisory Commission became, and continues to the present to be the official voice of the independent, external point of view of the Philadelphia citizen, the primary consumer and underwriter of the City's police service." (Soto, 2001b).

The Commission, at full complement, consists of 15 permanent members and four alternate members all of whom are appointed by the Mayor. The Mayor from a candidate's list submitted by City Council selects seven of the 15 members. Commission members serve without compensation for a term of four years. The Commission's organization consists of six full-time employees: the executive director, an administrative director, a chief investigator, two special investigators, and one receptionist/typist (Police Advisory Commission, 2000). According to Hector Soto's testimony before the Mayor's Task Force (2001), "From the beginning [in 1993], the Commission was not intended to be a duplication of IAD, nor of the para-military, organizational point of view of the police department's bureaucracy or hierarchy. The Commission was created in response to [a variety] of problematic events involving the police department, like the 39th District scandal [of

1988-9], and the by-product, a growing lack of confidence in the department's ability to police itself. Today that is a serious problem shared by many municipalities as recently documented by the US Commission on Civil Rights in their report on police practices and civil rights in America, ... Furthermore [in response to the legal challenges by the FOP], the City agreed and recognized that 'the maintenance of the Police Advisory Commission is important to strengthening the public confidence in Police Department activity and oversight.' ..." (Soto, 2001c),

By Summer 2002, the Commission has received almost 1400 complaints, and has conducted hundreds of investigations, since it began full operations in mid-1994. Complaints filed with the Commission have increased by 2002 by almost 102% since 1997 when only 91 complaints were filed. The substantial increases could be due to several factors, such as an increased public awareness concerning police misconduct and the available channels to file grievances; more officers on street duty and a more aggressive law enforcement style; and, the Police Department's relocation of its Internal Affairs Division to the far Northeast in 1999.

Between 1994 and 2002, the Commission has initiated or completed 39 public hearings, known as panel hearings, on the complaints of citizens, 31 of which were conducted between 1998 and 2002. The Commission has also conducted two public hearings on broader issues, and published the resulting reports. The first public hearing on Police Stress in 1995 resulted in a 60-page report. The second public hearing, on issues related to the Police Department's acquisition and execution of premises search and arrest warrants, held in June 2001, has its final report pending, subject to the Police Department providing the Commission with requested information and statistics. Top-level administrative changes have taken place at both the Commission and the Police Department. The Commission's Chair since February 1994, Jane Dalton stepped down in March 2002, and continues to serve as a regular member. William Cannon, the Vice-Chair until then, assumed the Commission Chairmanship in March 2002.

At the Police Department, Commissioner John F. Timoney resigned in the Fall of 2001. Commissioner Sylvester M. Johnson became the 13th Police Commissioner of the City of Philadelphia on January 4th, 2002.

To conclude, the notion of police accountability that provides the base for the Commission's existence and operations has been steadily gaining public recognition, since its start in Philadelphia in the 1950s, in the wake of publicity of several local and national high-profile incidents involving brutality, corruption, racial profiling, and shootings. These incidents have been the focus of the reports on police practices of the U.S. Commission on Civil Rights (1981, 2000).

The concept of police accountability is grounded in the principles of formal governmental "checks and balances," and is tied to the Constitution's Fourth Amendment protection against unreasonable searches and seizures. By establishing the civilian review agencies, in addition to the various special-issue ad-hoc commissions, Philadelphia's civic leadership recognized the need to create a neutral forum for citizens to file their complaints and to accept the outcomes of the investigations.

Civilian review emphasizes that the police, like other government agencies, are accountable to the citizenry, and that mutual respect and cooperation are essential for improving police-community relations.

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* Bruria Tal, the author, is a researcher and writer in Philadelphia. She is a Ph.D candidate at the Annenberg School for Communication at the University of Pennsylvania. An interest in issues of communication between citizens and government bureaucracies inspired the writing of this article. The entire project, including this article and the planned monograph on the History of Civilian Review of Police in Philadelphia, owe much to the ideas and guidance of Hector W. Soto, Esq., Executive Director of the Police Advisory Commission.

III. Year in Review

A. Overview

The Commission received 164 complaints during fiscal year 2002 (FY02). This represents an almost 11% decrease in the number of complaints filed as compared with the 184 complaints filed during the previous fiscal year. Of the complaints filed, the Commission accepted 112 for investigation. At the close of the fiscal year, there were 170 pending complaint investigations: 112 were active investigations; another 42 were open, but no longer active and awaiting closure.

<i>Month</i>	<i>FY95</i>	<i>FY96</i>	<i>FY97</i>	<i>FY98</i>	<i>FY99</i>	<i>FY00</i>	<i>FY01</i>	<i>FY02</i>
July	8	13	11	8	7	21	18	19
August	9	24	15	11	13	11	24	11
Sept.	15	9	8	9	9	13	16	15
October	8	17	6	10	13	14	17	12
November	12	13	10	4	9	11	6	19
December	8	7	3	7	19	13	10	10
January	16	8	3	5	16	14	25	11
February	11	6	6	11	11	11	17	19
March	10	6	7	12	20	17	13	8
April	7	10	5	13	9	11	12	13
May	12	4	7	9	8	11	18	14
June	15	4	13	8	13	25	8	13
TOTALS	131	121	94	107	147	172	184	164

During the year, the Commission initiated and/or completed seven (7) fact-finding hearings on complaints under investigation. The Commission also issued six (6) written decisions, known as Opinions, on concluded complaint investigations. Opinions contain the dispositions of the Commission on the allegation(s) of a complaint including findings of fact and, as necessary, recommendations concerning police officer discipline, or regarding Police Department policies or practices. Commission Opinions are forwarded in the first instance to the Mayor, the City Managing Director and the Police Commissioner for their review and consideration of the Commission's findings and recommendations. The Opinions then become available for public dissemination.

The Commission maintained its community education and outreach activity at a high level throughout the year. The fifth edition of PACER, the Commission's official newsletter, was released during Spring 2002. And in addition to the 700 copies of the

newsletter that were distributed during the fiscal year, more than 5000 pieces of the Commission's brochure and other resource materials were also distributed.

Commission members and staff during FY02 also participated in numerous forums including workshops, panel discussions, presentations before governmental committees and bodies, press conferences and media events, professional colloquiums, and community meetings including 10 meetings scheduled by the Commission during the year for public input and discussion on issues related to policing and police-community relations in Philadelphia.

Media coverage of the Commission and its activities during the year remained active. An average of 40 electronic and print media receive Commission press releases, or are notified of each Commission hearing, press conference, or other Commission activity. During the fiscal year, the Commission issued 24 press releases or press statements.

As the year ended, the Commission was engaged simultaneously in a reengineering of its infrastructure to upgrade its technology and technological abilities, and a review and assessment of its operating procedures and objectives. Both processes were undertaken with the goal of improving the Commission's present operational efficiency and effectiveness, and for consideration of future revisions to the Commission's mission and focus that would further streamline its operations, and enhance the Commission's capability to serve the citizenry and police of Philadelphia.

B. General Procedures

The jurisdiction of the Commission extends only to Philadelphia Police Department personnel, and is further limited to complaints alleging as a primary allegation physical abuse, abuse of authority or verbal abuse of the type that involves the denigration of a civilian because of his/her race, ethnicity, national origin, skin color, sex, gender or gender preference. Complaints within the Commission's jurisdiction are formally known as Civilian Complaints Against Police, or CAPS. CAPS, or more precisely the processing of CAPS, are the subject of the Commission's enabling act, Executive Order 8-93, enacted in 1993 by then Mayor Hon. Edward Rendell. CAPS are also the primary subject of Executive Order 9-93, which was enacted by Mayor Rendell contemporaneously with the Commission's Executive Order (copies of both executive orders are included in the appendix). Executive Order 9-93 established guidelines and procedures for the handling of CAPS by the Police Department's Internal Affairs Division (IAD). IAD has concurrent jurisdiction with the Commission concerning CAPS. Complainants can file a CAP with either agency. However, upon filing with the Commission each complainant is routinely made aware of IAD and its overlapping jurisdiction, and is given the option of having his/her complaint forwarded to IAD for its review and consideration. Referral to IAD is only upon written authorization by the complainant. On the other hand, filing initially with IAD does not generally lead to a referral to the Commission. In fact, the Commission may never become aware of the complaint in a timely manner as IAD is not required, and neither IAD nor police department personnel generally voluntarily inform complainants about the availability of the Commission's alternative process. As such, civilians, who instead of going to IAD go to a District or other police facility to file a complaint, will generally not be informed about the availability of the Commission.

IAD usually conducts a parallel investigation for each complaint accepted by the Commission for investigation. The initiation of a parallel investigation is the rule rather than the exception for complaints referred by the Commission. The contrary is also the rule rather than the exception: IAD does not generally initiate an investigation on a citizen's complaint if the Commission did not accept the complaint for investigation. Unfortunately, this is true even when the subject matter of the complaint is not within the jurisdiction of the Commission, but squarely within the jurisdiction of IAD, for example, when the primary allegation is lack of service. A complaint falling outside the jurisdiction of either agency, for example, a complaint alleging misconduct by a non-Philadelphia police officer, after intake may be referred to the appropriate outside agency, or during intake redirected to the complainant for his/her appropriate handling.

As part of the intake process, complaints filed with the Commission are reviewed by the Commission's Chief Investigator for subject matter jurisdiction as well as for compliance with the administrative prerequisites for the filing of a complaint. The Chief Investigator can accept the complaint, recommend its referral to IAD or an outside agency, or make an initial determination of non-acceptance. Regardless of the Chief Investigator's determination, within seven days of a complaint's filing, the Commission pursuant to a requirement of the Executive Order sends to the complainant a letter acknowledging the filing of the complaint. However, the acknowledgement of filing is not notice that the complaint has been accepted for investigation.

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

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

The complainant is then mailed an official notification of the administrative closing, and if appropriate, of the complaint's referral to IAD. The Chief Investigator presents all complaints initially not accepted for investigation to the IRC for its review and endorsement within 30 days of filing. Complaints lacking an administrative requirement are submitted for review within 60 days.

The Commission accepted for investigation 112, or almost 68% of the complaints filed during the fiscal year. Of the 52 complaints not accepted, 44 complaints, or approximately 85% were not accepted for jurisdictional reasons. Another eight (8) complaints, or 15% were administratively closed post-intake as a result of the complainant's failing to comply with the Commission's administrative filing requirements. The Commission sends written notification to a complainant of acceptance of his/her

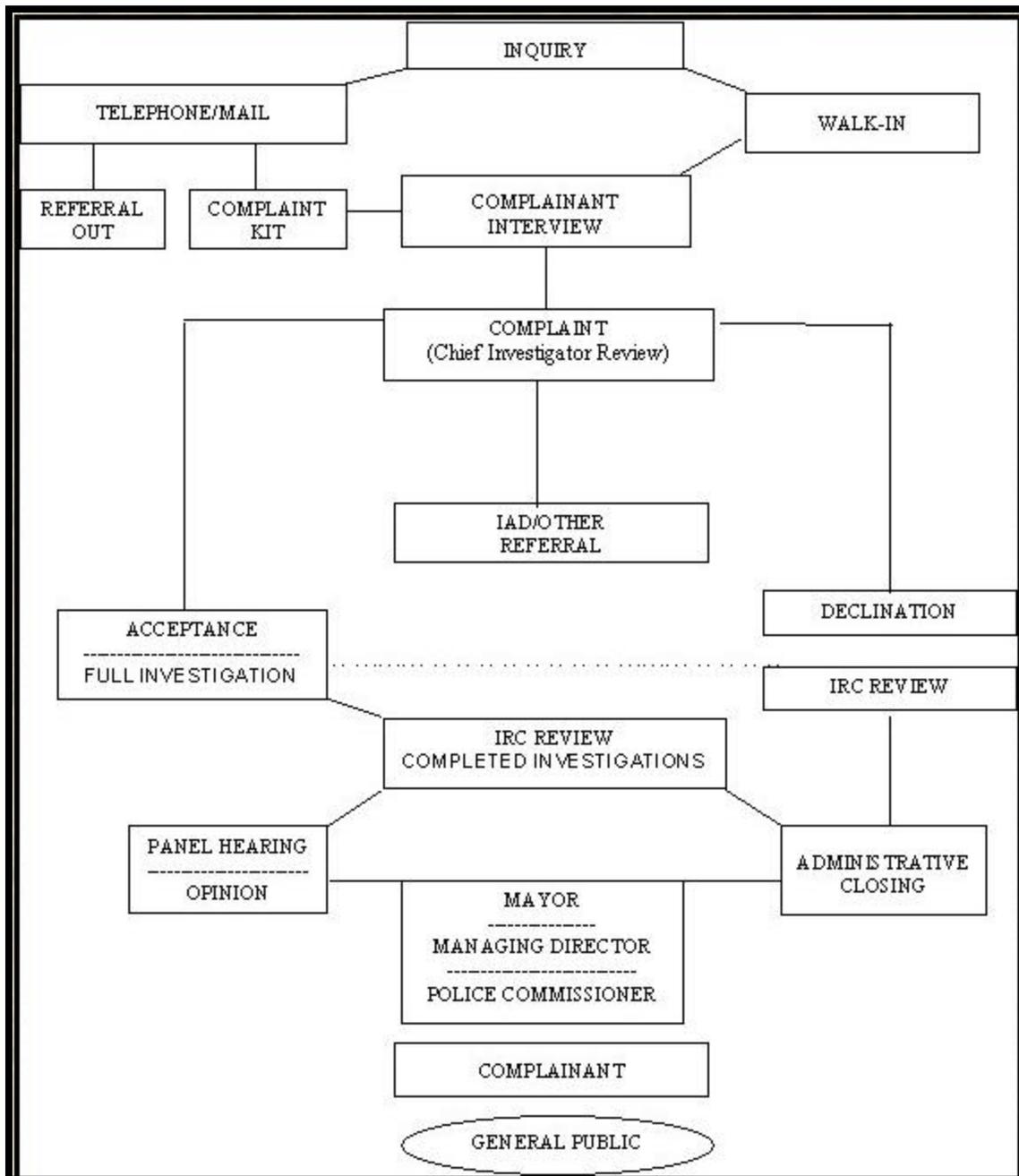
complaint for investigation, or of its rejection within 10 days of the Chief Investigator's decision, or of the IRC's endorsement of the Chief Investigator's decision respectively. If appropriate, the complainant is also notified of the complaint's referral to IAD.

The IRC also has a second very important function in relation to filed complaints. The Committee is responsible for reviewing all completed field investigations and, upon consultation with the Chief Investigator, decides whether or not the Commission will conduct a fact-finding hearing, commonly referred to as a Panel Hearing because it is conducted by a panel of Commission members (usually no fewer than three members), as the final step of a complaint's investigation.

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

The Commission continues to research and consider other alternative methods for summary disposition of complaint investigations. The Commission is concerned that continuing utilization of the current process for reaching final disposition on a complaint, namely, field investigation followed by a panel hearing and publication of an opinion is so limiting and time-consuming that it could lead to extraordinary delays for complainants and target police officers awaiting resolution of complaint allegations. The Commission is also concerned that the extended Commission process could make its findings and recommendations moot by the time they are presented to the Police Commissioner for his review and action. Justice delayed could result in justice denied, a result the Commission seeks to avoid.

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



At the end of June 2002, the Commission had 170 open and active investigations of which 47% were of complaints filed during calendar years 2001 and 2002: 59 and 21 investigations respectively. Seventy-seven (77) investigations were of complaints filed during calendar year 2000; and only five (5), or less than 3% were investigations of complaints filed during or before calendar 1999. Of the complaints dating back to the years 1999 and 2000, 34 of the 82 investigations, or about 42%, were open, but inactive and pending closure. Of the Commission's total number of open investigations at the end of the fiscal year, 42 or 25% were deemed to be inactive and pending closure.

The changes to its focus and operating procedures being considered by the Commission when adopted are expected to contribute to making the Commission's investigations more timely, as well as reducing the total number of open investigations. One proposed change would limit Commission complaint investigations to no more than 12 months duration from the time of filing through the time of submission of an Opinion to the Mayor and Police Commissioner, which should address the concerns of complainants and target police officers, and allow the Police Commissioner to make better use of the Commission's findings and recommendation.

C. Filings and Jurisdiction

The 164 complaints filed with the Commission during the fiscal year represent an 11% decrease as compared to the 184 complaints filed during fiscal year 2001. The complaints are also a 4% decrease as compared to the 172 CAPS filed with the agency during fiscal year 2000, but are still a 12% increase as compared to the 147 CAPS filed during 1999.

FY02 was the first year of a decrease in the number of complaints filed with the Commission after four consecutive years of record-setting increases. The decrease coincides with changes initiated by the Police Department concerning the handling of some civilian complaints at and by the Districts, as well as with a complete year of inclusion of CAPS as part of the Department's COMPSTAT review process. And while encouraging, in the absence of further study, no definitive conclusions can be drawn regarding any possible relationship between the Police Department's changes and the reduction in the number of complaints filed with the Commission.

Complaints filed during the last quarter of 2001 and the first quarter of 2002 were down as compared to the same quarters last year. The Commission believes the reductions noted are related to the tragic events of September 11, 2001 although the why and how of the impact are not known. However, the much-deserved public perception of police officers as heroes of September 11th may have played a role in the public's decision not to file complaints. The reduction noted for the first quarter of 2002 notwithstanding (second quarter complaint totals were comparable to last year), the Commission projects the filing of about 200 complaints for calendar year 2002, and between 175 and 200 complaints for fiscal year 2003.

For calendar year 2001, a total of 179 complaints were filed with the Commission. Almost the same numbers of complaints, 181, were filed during calendar year 2000. A total of 1121 complaints have been filed with the Commission since inauguration of

operations in mid-1994. Approximately 50% of all complaints filed with the Commission during its seven years of operation have been filed since July 1, 1999, and almost 60% since July 1, 1998.

The reasons for the relatively high number of complaints filed with the Commission since July 1999 cannot be determined without further study. However, the Commission continues to believe that the following are possible contributing factors: 1) more knowledge and sensitivity on the part of the public regarding the issue of police misconduct; 2) better information about, and accessibility to the Commission by the public; 3) more police on the streets combined with a more aggressive policing policy by the Department; 4) IAD's move of its Center City office to the far Northeast; and 5) the seemingly endless publicity generated by high profile incidents and court proceedings of alleged police misconduct in and outside of Philadelphia.

Of the complaints accepted for investigation by the Commission during the year, complaints alleging "abuse of authority" as the primary allegation continued to be the most prevalent type of complaint. An abuse of authority complaint is one in which the primary allegation is that the target police officer through his/her act or omission exceeded the authority granted under law or regulation. Abuse of authority complaints include, but are not limited to complaints of improper searches, unlawful detentions or confinements (arrest), improper seizure of property, and discriminatory or selective law enforcement including racial profiling. Abuse of authority has been the most prevalent type of complaint since 1995.

This year 89 abuse of authority complaints were accepted by the Commission representing a 16% increase as compared to last year when only 76 abuse of authority complaints were accepted for investigation. Fifteen (15) of the 89 abuse of authority complaints had a secondary allegation of physical abuse; one had a secondary allegation of verbal abuse. Abuse of authority complaints were 79% of all complaints accepted by the Commission for investigation.

And while abuse of authority complaints continued to be the most prevalent type of complaint filed with the Commission, the 5 to 1 ratio by which this year's abuse of authority complaints outnumbered physical abuse complaints, was the largest disparity ever recorded by the Commission. Last fiscal year with 76 abuse of authority complaints, the ratio was merely 2 to 1. The Commission is studying the abuse of authority complaints to see if a pattern or commonality can be uncovered.

Complaints alleging "physical abuse", that is, complaints having as a primary allegation the use of unreasonable force, defined as unnecessary or excessive force, by a police officer against a civilian accounted for only 18 or 16% of the complaints accepted by the Commission during the year. Physical abuse complaints continued to be the second most prevalent type of complaint filed with the Commission, a ranking they have held since 1995. And although the low number of physical abuse complaints continued a trend evident during the last few years, the 18 complaints filed during the year represent both the lowest actual number of physical abuse complaints ever filed with the Commission, and the lowest percentage share of physical abuse complaints for a year ever recorded by the Commission.

The Commission commends the Police Department on its policies and practices as there can be no doubt that the trend of the last few years, as drastically exemplified by

the relatively low number of physical abuse complaints filed during FY02, reflects to some significant degree the continuing concern and commitment of the Department and its leadership to the training and sensitizing of police officers concerning the use of force, and their holding police officers accountable if unnecessary or excessive force is used. That the reductions have been achieved even as the Department has undertaken significant large scale anti-drug, anti-violence initiatives such as Operations Sunrise and Operation Safe Streets makes the achievement all the more noteworthy.

Complaints alleging “verbal abuse”, that is, complaints stating as a primary allegation offensive language by a police officer in denigration of a person’s race, skin color, ethnicity, national origin, sex, gender, gender preference, sexual orientation, disability or religion have traditionally been the smallest percentage of the complaints filed with the Commission. In this fiscal year, verbal abuse complaints comprised only 1% or just two (2) of the accepted complaints. The continuing low number of verbal abuse complaints filed with the Commission is possibly being impacted by the fact that this type of complaint can also be filed with the Philadelphia Human Relations Commission or the Pennsylvania Human Relations Commission. In addition, the Police Department can also accept this type of verbal abuse complaint as well the more general verbal abuse complaints of rudeness, discourtesy and/or the use of profanity.

The latter types of verbal abuse complaints are beyond the Commission’s jurisdiction as are complaints alleging lack of service as the primary allegation. Lack of service is the failure of the police, either as an organization or through the acts or omissions of individual officers, to provide adequate or proper public safety service, for example, failure of the police to respond to a call for public assistance. Also outside the Commission’s jurisdiction are complaints with allegations of criminal activity or corruption (theft, bribes, gratuities, cover-ups, etc.).

Corruption or criminal activity complaints may be initially processed at intake by the Commission, but then are referred to IAD and/or the District Attorney’s (DA) office for their review and appropriation action. As necessary depending on the nature and seriousness of the complaint allegations, the referral to IAD or the DA’s office may be done in a confidential and/or expedited manner.

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

The Commission also has in effect a jurisdictional 180-day filing limit. Complaints concerning incidents that occurred more than 180 days prior to the day of filing with the Commission, regardless of whether or not the allegations fall within the subject matter jurisdiction of the Commission, are generally not to be accepted for investigation. The Commission established the 180-day requirement at the initiation of operations in 1994 to avoid being deluged by older and stale complaints. The requirement is not mandated by the Commission’s Executive Order and the Commission has discussed eliminating or revising the rule.

Complaints on incidents more than 180 days old are routinely referred to IAD for its review and consideration, as IAD does not have the 180-day limit for the filing of a

complaint. The Commission however does recognize two limited exceptions to its 180-day regulation: 1) complaints filed with IAD (or some other bona fide City of Philadelphia agency or official) before expiration of the Commission's 180-day statute of limitations, and then filed with the Commission after the 180 days may be reviewed by IRC, and upon the its approval, accepted for investigation; 2) the Commission under the authority granted by its Executive Order, Section 4(b), reserves the right and retains the full discretionary authority, as exercised by the IRC, to study any specific individual incident regardless of its date of occurrence.

The 112 complaints accepted by the Commission for investigation were 68% of the 164 complaints filed with the agency. The accepted complaints had a total of 123 primary and secondary allegations. Sixteen (16) complaints had two or more allegations that required investigation. Complaints not accepted for investigation were 32% of all filed complaints. And although none of the non-accept complaints resulted in a field investigation by the Commission, each complaint did require Commission personnel to conduct at least one full interview, prepare written documentation and/or a referral letter, and expend considerable administrative processing time.

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

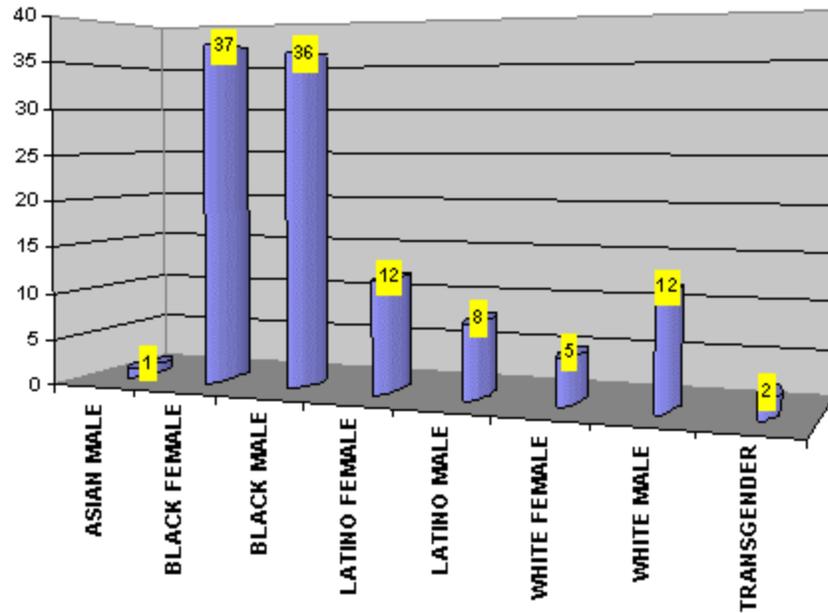
The 164 complaints filed with the Commission during the year represent approximately 22% of the 738 total number of CAPS filed by members of the public with either the Commission or the Police Department. Last fiscal year, members of the public filed 691 CAPS of which approximately 27% were filed with the Commission. During the previous year, approximately 25% of all CAPS were filed with the Commission. The 738 CAPS filed during the year represent an almost 7% increase in the number of filed complaints.

C. Complainants

The 164 complaints filed with the Commission during the year represent a total of 166 complainants. The 112 accepted complaints represent 113 complainants. During FY02, Latinos were approximately 16% of the total complainant pool; they were 18% or 20 of the complainants whose complaints were accepted during the fiscal year. Historically (thru FY01), Latinos have been approximately 15 % of all Commission complainants. African-Americans during the same period have been 58% of all Commission complainants. This fiscal year, they were approximately 60% of the total complainants, and 65% of complainants of accepted complaints. Complaints by non-Latino whites were approximately 22% or 36 complaints of the total filed with the Commission during the fiscal year. Historically, non-Latinos whites have comprised 24% of the total complainant pool. Non-Latino whites this year represented 15 % of the accepted complainants. Asian complainants accounted for only 2, or about 1% of all FY02 complainants; however, they were almost 2% of accepted complainants. Historically, Asians and Others have accounted for less than 2% of the complainant pool.

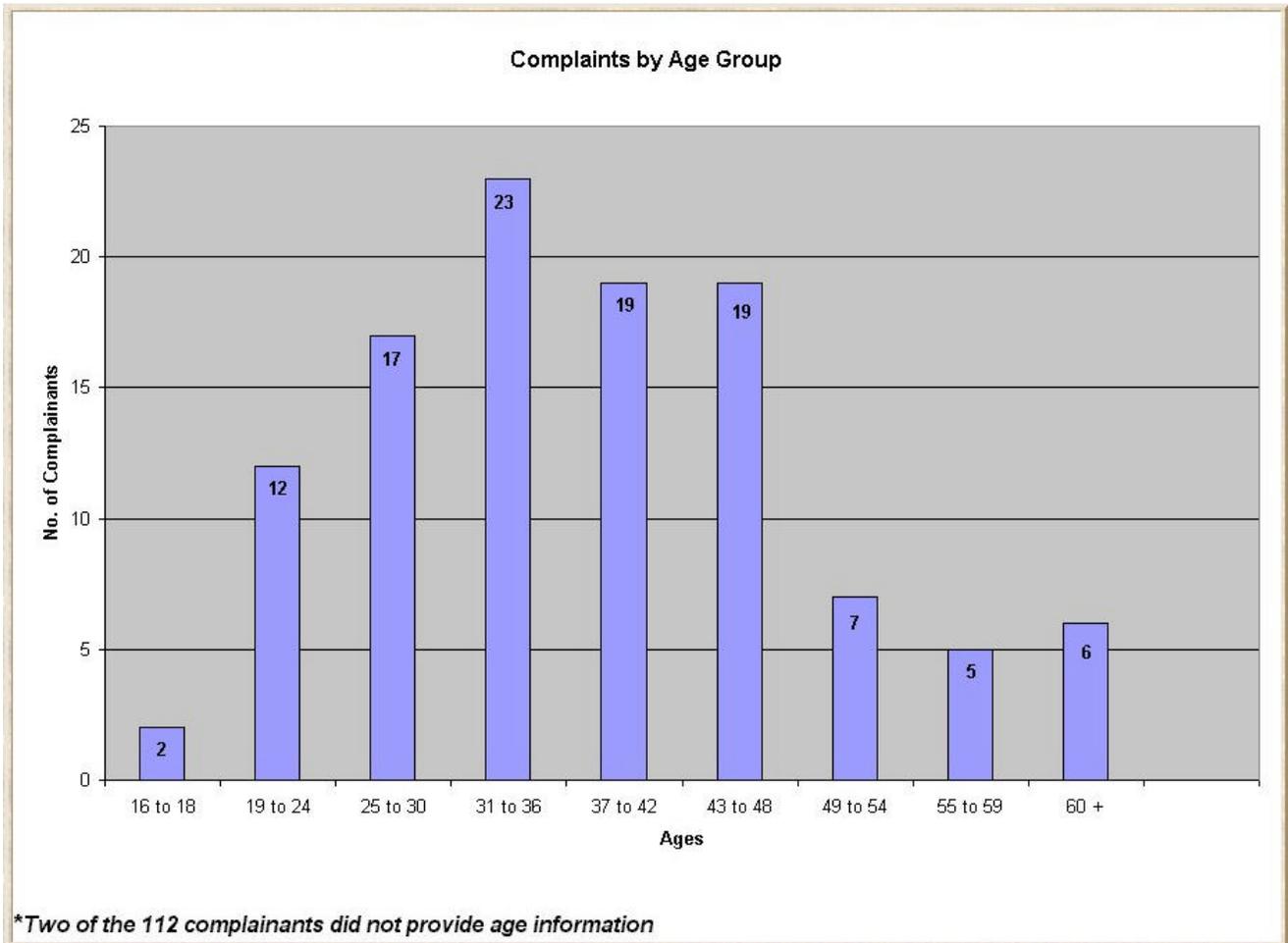
*As in previous years,
African-Americans filed
more than half of all
complaints accepted at the
Commission in FY2002*

FY2002 Race&Sex Status



Males were 56 or 50% of accepted complainants during the year. There were 35 male African-American complainants, eight (8) Latino complainants, 12 non-Latino white complainants, and one (1) Asian male complainant. Females were 48% or 53 of complainants on accepted complaints. African-American females were 36 of the complainants and 51% of African American complainants. There were 12 Latina complainants who represented 60% of all Latino complainants. Non-Latino white female complainants at five (5) were only 30% of non-Latino white complainants. No female Asian or Other filed a complaint with the Commission during the year. There were two transgender complainants accounting for approximately two (2%) percent of all complainants.

The age of complainants during the fiscal year ranged from 16 to 79. There was one complainant under the age of 18, and five over the age of 60. The average age was 38 years; the median age was 36 years.



Commission investigators interviewed 55 police officers during the year as part of their investigations. Of these 17 were target officers, that is, officers who were the subject of a complaint allegation. The other officers were witness or peripheral officers. Complaint target officers were mostly males, 14 or 82%, and mostly non-Latino whites, ten (10) or 59%. African-American target officers numbered four (4) or approximately 23% of all target officers while Latino target officers numbered three (3) or about 18%. No Asian or other officers were identified as target officers during FY2002.

The composition of the Philadelphia Police Department during FY2002 was approximately 59% white (4127: up 42 from last year), 34% African-American (2391: up 3), 6% Latino (413: up 14), >1% Asian (59), >1% Native American (10), and >1% Other (18) [Asian, Native American and Other: up 10 combined]. The Department was approximately 76% male and 24% female. (Source: Police Department, Public Affairs August 2002). The reported population of Philadelphia was 1,517,550 with an approximate 45% non-Latino white population, a 43% African-American population, an 8% Latino population, and a 4% Asian/Other population (Source; U.S. Census Bureau, 2000 Census).

The Commission during FY2002 has been working on an upgrade of its infrastructure including new data collection and data entry systems based on the use of the most up-to-date computer hardware and designer software customized for the Commission's procedures and operations. The new technology will give the Commission the ability to capture much more information and statistical data than in the past concerning complaints, allegations, characteristics of complainants, civilian witnesses, target officers, peripheral officers and general Commission activities. The new systems and technology will also give the Commission the ability to better and more rapidly analyze the data entered, which will result in enhanced data and statistical reporting throughout the year. The upgraded infrastructure will also lessen staff's paperwork burden, increase efficiency and, ultimately, enhance the general impact and effectiveness of the Commission. The upgrade will continue throughout the new fiscal year.

D. Investigations

At the end of the fiscal year, the Commission had 112 open and active investigations. Another 42 investigations were open, but not active and awaited closure. Since the start of the start of fiscal year, open investigations increased from 164 to 170, a 4% increase, notwithstanding the 14% decrease in the number of complaints filed during the year. The seemingly contradiction can be attributed in part to the length of the Commission's investigative and dispositional processes, which keep cases open longer and result in ever-increasing investigator caseloads, which in turn contribute to further delays and more Commission workload.

The Commission's two Special Investigators during FY02 had an average caseload of 57 investigations. However, beginning in the calendar year 2002, the Chief Investigator ceased carrying an active caseload, and refocused more attention to the management and closure of cases. The Commission notes that IAD investigators who handle similar civilian complaints continue to have an average caseload of only 15 to 20 open investigations at any time during the year. Commission investigations averaged 11 months during FY2002 as compared to seven (7) months during FY2001. The Commission continued during the year to be more selective during its intake resulting in fewer accepted complaints and fewer corresponding investigations.

Without the infusion of additional resources, which looks unlikely given the City's current fiscal condition, or sweeping changes to Commission operating procedures, the quality and quantity of Commission investigations may soon be negatively affected. Summary disposition of cases, if and when adopted, may further ease the caseload burden, but may not impact favorably on the growing case backlog if the rate of complaints filed with the Commission stays steady, or worse yet, again starts to increase (early FY2003 indications are that the rate of complaint filings is going to rebound: 25 complaints were registered during July 2002).

The Commission is studying revisions to its focus and operating procedures that if adopted would retain the mission of the agency and its objectives, but would change the operating procedures used to reach those objectives by moving away from the current model based on direct investigation of all accepted complaints to a model based on the auditing of most complaints, and the use of a abbreviated summary disposition procedure for certain complaints. Direct Commission investigation of a complaint would be reserved for the most serious, sensitive or notorious complaints. These changes, which during the latter part of the fiscal year, were under discussion and study by the

Commission may be finalized, and put before the Commission for formal consideration as early as Fall 2002. Present projections are that from the time of their adoption 12 to 15 months may be required for their complete operational implementation. In the interim, the Commission would continue to function according to current procedures, or pursuant to such interim procedures as may become necessary to ensure compliance with, and fulfillment of the Commission's mission and goals.

Commission investigators as part of their investigations during the year interviewed 166 complainants. They also interviewed 55 target and peripheral officers interviewed during the fiscal year. Commission investigators during the year monitored numerous criminal and civil judicial proceedings involving either complainants or target officers as apart of their investigations.

Completed field investigations are reviewed by the Commission's Investigatory Review Committee (IRC) for determination as to whether or not there will be a public fact-finding hearing, the Panel Hearing, as the final step of the investigation. The IRC reviews investigations for completeness and legal sufficiency. If upon review the IRC determines that an investigation does not warrant a hearing, the investigation will be administratively closed, and a notification letter is sent to the complainant within ten (10) days of that decision. Similarly, if the IRC decides that a panel hearing should be conducted, the complainant will also be notified in writing within ten (10) days of the decision. The IRC met nine times during the year to review completed investigations and rejected complaints.

E. Hearings and Opinions

Investigations zoned for panel hearing were scheduled as soon as possible during the fiscal year. However, there continued to be a scheduling delay of at least four months. Due to the police department's continuing heightened security state of alert, the Commission suspended or did not schedule panel hearings between September 11, 2001 and February 1, 2002. Indeed, hearings were suspended during FY2002 whenever police department security demands so required. However, the Commission did initiate or complete seven (7) panel hearings during the fiscal year.

Panel hearings are administrative, fact-finding public inquiries conducted by Commission members sitting as panels of not fewer than three members. The hearings are recorded audio taped and transcribed by a court reporter. A panel hearing is usually the final step just prior to disposition in the Commission's investigative process. During the hearing, the complainant testifies under oath regarding the allegations framed in the complaint. Other witnesses usually including civilian witnesses, the target (accused) officer[s], and additional police witnesses (peripheral officers) also testify under oath. Commission questioning of witnesses during a hearing is conducted in the first instance by Commission counsel, and then by the panel members in sequential order.

For the police officers, their testimony is also under penalty of job discipline including termination from the Department for failing to properly testify before the Commission. Pursuant to the Supreme Court decision in Garrity v. New Jersey 385 US 493 (1967), the testimony of police officers who have been ordered by a superior officer to appear and testify [before the Commission] cannot be used against him or her in any subsequent criminal proceeding arising from the same allegations. However, as a practical matter, all police officers ordered to testify before the Commission are cleared

by the District Attorney's office, and are informed of the DA's clearance before their appearance at the Commission.

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

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

Panel hearings generally require six (6) to eight (8) hours for the taking of testimony and deliberations usually during the course of two weekday evening sessions. The hearings are open to the public, including the police department and the media. However, the hearing panel members always conduct the post-hearing deliberations in executive session. The decision of a panel on the allegation[s] of the complaint is set forth in a written report, called the Panel Report. The Panel Report includes the findings of fact and, as may be necessary, the recommendations for discipline and/or departmental policy/practices review or changes.

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

Former Police Commissioner John F. Timoney during his three (3) year plus term of office was sent 25 Commission Opinions for review. For the most part, the Commissioner was diligent about having his explanations concerning acceptance or rejection of the Commission's findings and recommendations prepared and delivered to the Commission within the mandatory 30-day time frame. However he accepted only one recommendation regarding the disciplining of a police officer, In the Matter of T. Gary, a one-day (1) suspension for the target police officer, May-August 1998. The Commissioner also accepted one Commission recommendation for non-disciplinary (the Commission made no findings against the police officers) supplementary training for two

police officers, In the Matter of K. Roberts (C. Lackey), June 2001. He also accepted some specific Commission disciplinary recommendations as a recommendation for general training, or for notification of the target police officer's commanding officer.

Commissioner Timoney failed to take action following recommendations by the Commission In the Matter of Gordy-Lauber (June 2000), and In the Matter of A. Kuilan (June 2001), matters in which police officer witnesses refused to properly testify during Commission hearings in contravention of the Commission's Executive Order, and the Commissioner's own General Order 7595, and as endorsed by various court decisions. That Order in relevant part states:

“All personnel are reminded of their obligation
to cooperate with the Police Advisory Commission,
and testify before the Commission when called....
Personnel who choose to disregard the obligations
created under these orders, even at the advice of
counsel, do so at the risk of serious disciplinary
action.”

General Order 7595 was issued after a Commission Opinion, Matter of M. Kile, April 1998), cited three police officers who followed the advice of their Fraternal Order of Police counsel, and refused to testify at a Commission hearing. The Police Commissioner rejected the Commission recommendations for discipline for the involved officers, but he did issue the General Order presumably to prevent future similar occurrences. The same issue came to the fore again during Commissioner Timoney's tenure In the Matter of C. Feliciano (November 2001) and In the Matter of A. Kuilan ([Kuilan 2] June/July 2001).

The Commission remains convinced that the refusal of a police officer to testify properly at a Commission hearing is a most egregious act in that it undermines the authority of both the Commission and the Police Commissioner. The Commission is also concerned that the public could perceive an improper double standard and bias in favor of the police and/or of the cover-up of alleged wrongdoing, all to the detriment of the police-community relations and the City.

The Commission recognizes and understands that there may be real questions, legal and otherwise, that need to be addressed concerning how and when Police Department and Commission processes should intersect and interact. However until those issues are addressed formally or the Executive Order amended, the rules, as presently sanctioned by the Mayor, the Police Commissioner, the Managing Director and the Commission, and as memorialized in the Executive Order and General Order 7595 in particular, need to be respected. Neither the Commission nor the Police Commissioner should be able to pick and choose which and when established rules and resolutions will be observed.

Current Police Commissioner Sylvester M. Johnson officially took the reins of the Police Department on January 4, 2002. However, he was the de facto Commissioner since the announcement of Commissioner Timoney's resignation in the fall of 2001, and most definitely since Commissioner Timoney's departure. The Commission welcomes and applauds his appointment. Unlike his predecessor who declined several invitations to come and address the full Commission, Commissioner Johnson accepted his first invitation and addressed the full Commission during its June 2002 meeting on June 13th. He also met with the Commission's Executive Committee and staff soon after taking control of the department. The meetings were positive and productive, and bode well for future Commission-Police Department cooperation. The Commission looks forward with anticipation to developing a more cooperative and mutually beneficial working relationship with the Commissioner and his Department.



**Dec 20, 2001: John Timoney announces his departure, accompanied by then Deputy Commissioner Sylvester Johnson
Source - Associated Press**

By the end of the fiscal year, Commissioner Johnson had already reviewed three (3) Commission Opinions. Of the Opinions reviewed by the Commissioner, he partially accepted the disciplinary recommendations in one matter, In the Matter of A. Kuilan (February 2002), and rejected the recommendations in a second matter, In the Matter of J. Nichols (March 2002). Although the Commission appreciates that the Commissioner accepted some of the recommendations in Kuilan, the Commission is disappointed that the Commissioner has chosen to adopt a very narrow, literal interpretation of the Executive Order's requirement for a response by the Police Commissioner.

Unlike his predecessor who provided explanations for his decisions, Commissioner Johnson has seemingly decided not to offer any explanation for his acceptance or rejection of a finding or recommendation, but merely provide the Commission with a terse concise statement of the recommendations that are accepted, and those that are

rejected. And while this type of response may be technically in compliance with the base letter of the legal requirements, the response fails to rise to the spirit or the public purpose of the law. His position, as evidenced by the responses, seems to contradict the openness and cooperation that he demonstrated to the Commission by words and action on June 13, 2002. The Commission hopes during the current fiscal year to engage the Commissioner in a mutually beneficial dialog to identify and resolve any outstanding issues between the Commission and the Department including the issue of his responses to Commission opinions.

Finally, the Commission notes that although only a short time on the job, Commissioner Johnson has already initiated one of the most significant anti-drug, anti-violence campaigns ever seen in Philadelphia. The initiative, known as Operation Safe Streets, has engendered much-deserved community and media endorsements not to mention broad political support. Initial reports show significant drops in street crime rates, increased arrests, increased seizures of contraband and ill-gotten money and assets, high police morale, improved police-community relations and little, if any, opposition or collateral damage. The Commission through the time of this writing has not recorded, nay even become aware of any complaints, or of any rise or pattern of complaints related to the Safe Streets campaign. Moreover, the Commission has offered to conduct workshops in areas targeted by Safe Streets for community residents, especially young people, on the subject of what are their rights and responsibilities during an encounter with a police officer. Obviously, the Commission will continue to monitor and report on Operation Safe Streets throughout the year. For now however, the Commission can only offer its support and congratulations on a job seemingly being done well.

Copies of Commission Opinions and/or of the corresponding response from the Police Commissioner are available free of charge from the Commission upon request. Commission Opinions can also be downloaded from the Commission's web page located on the City website at <http://www.phila.gov/pac>. Transcripts of particular hearings are also available from the Commission subject to availability and a nominal copying charge.

F. Commission Meetings

During FY2002, the Commission held nine (9) regular "monthly" meetings. Monthly Commission meetings are held the second Thursday of each month at the Commission's office in Center City, 34 S. 11th Street, 6th floor. The public session of the monthly meeting commences at 7:00 PM and continues until it is appropriate to close the meeting. Any member of the public may attend the public session and address the Commission regarding any relevant issue. The Commission welcomes the participation of the public.

The Executive Committee of the Commission met on a monthly basis during the fiscal year. The Commission's Operating Procedures Committee also had at least three meetings during the year.

G. Studies

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

And while the Commission did not conduct any studies or public hearings during the year, it did conduct a public hearing on search warrant issues on June 21, 2001 at the end of FY 2001, the follow-up of which lasted through the fiscal year in part as a result of the Police Department's failure to forward data and information requested by the Commission concerning the application for, and execution of search warrants. The unresolved issues remain on the table.

Plans for a public hearing during November 2001 were impacted by post 9-11 concerns and, as a result, postponed indefinitely. Matters under consideration for study and possible public hearing at the start of calendar year 2003, included racial profiling issues and interference by the Department with the complaint filing process. Since 9-11 concerns related to possible police abuse of authority in furtherance of homeland security issues have also come under consideration for study and possible public hearing.

The community survey project, under consideration during FY 2001, has been deferred as too costly as proposed. A more modest survey proposal is under development and will be considered before the end of the year. No target date for implementation has been projected.

IV. Mayor's Task Force on Police Discipline

A. Background

On March 27, 2002, prompted by the disclosure in the Philadelphia Inquirer of an alleged cover-up by the Police Department of a drunk driving accident involving two high-ranking Philadelphia police officials, and the almost simultaneous release of a report by the Department's own Office of Integrity and Accountability citing deficiencies in the handling of police disciplinary matters, the Mayor issued an Executive Order creating a task force to study the Police Department's disciplinary system. The Task Force ultimately was comprised of seven (7) prominent Philadelphia attorneys, and chaired by Temple University Law Professor JoAnne Epps, Esq. The Task Force was asked to complete its study, and issue a report within six months of its formation that would include findings and recommendations for improving how police discipline could be effectuated.

B. Commission Participation

Although the Commission believed that its authority and history were not only suitable, but legally sufficient to permit the Commission to undertake the study, the Commission moved quickly to endorse and support the Task Force's establishment and work. Within a week of the Task Force's formation, the Commission forwarded information and materials about the Commission, its operations, and its relationship to the Police Department. In short, the Commission offered the Task Force whatever assistance and support it could including identifying and supplying the Task Force with reference and resource materials concerning how and where civilian oversight was being conducted in the United States.

The Task Force welcomed the information and offers of the Commission, but did not engage the Commission in an official capacity. However, the Commission and its role within the police disciplinary system did become a subject of the Task Force's study. Indeed, the Commission eventually made two presentations before the Task Force, one informal and one official. There was also a site visit to the Commission's office by a Task Force staffer.

The official testimony of the Commission was presented at the meeting of the Mayor's Task Force held at City Hall on September 25, 2001. In its testimony, the Commission underscored the uniqueness of its all-civilian, external, non-paramilitary perspective and operations, as well as the historically documented need for civilian oversight of the police. The Commission also cited the progress made by the Commission through its investigations and operations with regard to improving police accountability and police-community relations in Philadelphia. Finally, the Commission

offered twelve recommendations for improving policing and police accountability (a copy of the testimony is available on the Commission website).

C. The Report

The Task Force published its 110 page final report with appendices on November 27, 2002. The report had nine pages directly relevant to the Commission and its operations. The primary recommendation of the Task Force regarding the Commission was that the functions of the Office of Integrity and Accountability (OIA) should be merged with those of the Commission. The Task Force also found that the City and the Police Department failed to support the Commission and its operations.

The Commission continues to study the findings and recommendations of the Task Force. Some of the changes to the Commission's focus and operating procedures currently under consideration would in part address some of the operational concerns raised by the Task Force. However, the Commission does not think that a merger of the functions of the OIA with those of the Commission is not a viable option. The more pressing issues raised by the Task Force concerning the role and impact of the Commission within the police disciplinary system will not be addressed by incorporating the OIA in to the Commission or vice versa. The principal problems of lack of support, failure to recognize the investigative results and recommendations of the Commission, and failing to respect the Commission's role as the primary liaison between the citizenry and the police will not be resolved, or even positively impacted simply because the functions and staffs of the two agencies are merged.

Indeed, such a union may just achieve the contrary result. By taking the IOA out of the Department, and minimizing the role of the Commission as an alternative to the Police Department's internal civilian complaint system, the merger may achieve the worse of both worlds: the IAO's ability to get data and information from the department, and subsequently its effectiveness as a inspector general, would be lessened, and the Commission's ability to provide independent civilian oversight of how the Police Department's Internal Affairs Division handles civilian complaints would be also be diminished further eroding community confidence in the police disciplinary system.

The Commission welcomed the Task Force, and now believes that its final report to be a valuable addition to the continuing discussion and study of policing and police-community relations in Philadelphia. The Commission will continue to study the Task Force's findings and recommendations as it develops and considers revisions to its mission and operating procedures. However, independent external civilian oversight of the police as prescribed by the Executive Order will remain the bedrock of the Commission's perspective and operations.

V. Community Outreach and Education

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

Of particular note were the "Rights and Responsibility" workshops conducted jointly with the Police-Barrio Relations Project (PBRP), a North Philadelphia community-based organization. The workshops were conducted at schools, other community-based agencies, churches and other public forums throughout the City. The principal objective of the workshops is to educate young people primarily between the ages of 13 and 21 on how to handle an encounter with a police officer.



Chief Investigator Bill Johnson, Lt. Sonia Vasquez, and Donna Hernandez, Director of the Police-Barrio Relations Project discuss Police-Community relations with youth at a recent Temple University Conference

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

The Commission during the year also presented a modified version of the workshop without PBRP using both the PBRP video and a video produced for young people by the NAACP and Allstate Insurance entitled "Know The Law". The modified version of the workshop was presented during June 2002 at two Philadelphia high schools, Overbrook H.S. and Walter Biddle Saul H.S., to their entire student bodies just before the start of the summer vacation break. The Commission hopes to explore with the School District whether similar presentations can be arranged through the central school administration for all high schools and intermediate schools every June in anticipation of the summer hiatus.

During the year, the Commission had meetings with Police Department personnel including former Police Commissioner John F. Timoney, Deputy Commissioner John Norris of The Internal Affairs Division, who accepted a Commission invitation and addressed the full Commission during February 2002 at its regular monthly meeting, Darin Waite, Esq. and Karen Simmons, Esq., former and present Police Department Legal Counsel, and various other high-ranking Department officials including the Director of the Office of Integrity and Accountability, various Divisional Commanding Officers and District Commanding Officers. Newly appointed Police Commissioner Sylvester M. Johnson met at his office in the Police Administration Building with the Commission Chair, the Executive Committee, Executive Director and Commission Counsel soon after his appointment. He then also addressed the full Commission at its June 2002 monthly meeting.



June 2002: Police Commissioner Sylvester Johnson addresses the Commission.

Meetings and contacts with public officials included meetings with numerous members of the City Council. All City Council members were sent the Commission's annual mailing that included informational brochures, complaint forms and the Fiscal Year Report. The Commission also had meetings with the City Managing Director, Hon. Estelle Richman, the City's Secretary for Commissions, Boards and Authorities, Hon. Augusta Clarke, and various State Representatives and State Senators. The Commission also had official contacts during the year with Congressional Representatives Hon. Chaka Fattah and Hon. Robert Brady.

During October 2001, the Commission, in the persons of Hector W. Soto, the Commission's Executive Director and Kelvyn Anderson, its Director of Information Services attended the annual meeting of the National Association for Civilian Oversight of Law Enforcement (NACOLE) in Denver, Colorado. The Commission expects to send the entire professional staff to the 2002 NACOLE annual meeting during October 2002 as it will be held in Boston, Massachusetts. The primary themes at this year's conference are the fiscal considerations of oversight in a time of governmental fiscal retrenchment, and oversight in a time of terrorism and tightening security concerns. The keynote speaker will be Nuala O'Loan, Police Ombudsman for Northern Ireland, the region's police oversight agency. NACOLE continues to be the primary national advocate and information source on police oversight issues. The Commission's

Executive Director, Hector W. Soto, has been nominated to NACOLE's Board of Directors.

The Commission also participated in one national forum sponsored by the American Bar Association's Council on Racial and Ethnic Justice, which was held in Baltimore, MD on March 7, 2002. The Commission made a presentation on racial profiling issues related to the targeting of Arabs and Muslims as part of passed and proposed homeland security measures. The Commission made a similar presentation at a local forum sponsored by various Philadelphia Bar Associations, the Arab-American Development Corp., and American Civil Liberties Union of Pennsylvania held on March 4, 2002. The Commission, while recognizing that real measures have to be taken to strengthen national security and insure the safety of the citizenry, does not see a contradiction between implementing improved homeland security and the preservation of constitutionally guaranteed rights and liberties.

The Commission also participated as a presenter on civilian oversight issues at the 29th Annual Convention of the National Latino Police Officers Association held during October 2001 in Las Vegas, NV. In addition together with the Police-Barrio Relations Project, the Commission also attended a one-day conference during November 2002 in Washington, DC on "Police Reform and the International Community" sponsored by Washington Office on Latin America and the John Hopkins Nitze School of Advanced International Studies. The Commission during the year also participated in two very well attended youth oriented conferences, one in Harrisburg, PA and the other In New York City, NY on the issue of police-community relations especially as it concerns the interactions of young people with the police. The Commission was a presenter at both activities.

Print and electronic media coverage of the Commission during FY02 was regular and more consistent. Coverage included The Philadelphia Inquirer, the Daily News, The Philadelphia Tribune, the City Paper, the Philadelphia Weekly, the Philadelphia Gay News and the Spanish-language Al Dia. Electronic media included KYW radio and TV, the major networks and the Fox network. Presently, more than 40 news media outlets are routinely notified of Commission meetings, panel hearings, Opinions and news releases.

As of June 2002, the Commission was finally been able to establish its website although its official unveiling will not be until early fall as a result of the timetable and requirements of the Mayor's Office of Information Services, the agency that will be responsible for melding the Commission's website into the City's website:

<http://www.phila.gov/pac>

In addition to boosting the Commission's community outreach efforts, the Commission's website is part and parcel of the Commission's revamping of its infrastructure. Not only will the website provide quick and direct access on a 24-hour basis to Commission's general information, police complaint and commendation forms, opinions, monographs and position papers, but in the future the site will also be the source of new and recently analyzed data concerning citizen complaints, police discipline, and Philadelphia policing. Moreover, in the future there will also be forums for discussion and the posting of community comments and responses as well as links to the Police Department, the Police-Barrio Relations Project (PBRP) and other relevant community-based

organizations. The launching of the website is a major achievement for the Commission, and a boon for the communities that it serves.

The Commission distributed the fifth edition of PACER during the fiscal year. Circulation was approximately 700. The PACER's next edition is expected to be both a hard copy edition distributed through traditional channels, and an electronic edition to be distributed via the Commission's website and other electronic means. The projected publication date is October 2002.

The Commission also expects to issue by the end by November 2002 its first monograph. The monograph, authored by Ms. Bruria Tal, who wrote the first section of this report, will be a more detailed and comprehensive history of civilian police oversight in Philadelphia. The Commission hopes in the future to publish at least one monograph per year by Commission members or invited guest authors on topics related to either the Commission's mission, operations or objectives.

The Commission's bilingual brochure in Spanish continued to be distributed at a rapid pace throughout the year: more than 4500 copies were distributed. The project to translate the Commission's brochure into Chinese, Cambodian, Vietnamese, Russian, and Arabic stalled again during the fiscal year. The objective is now to revise the brochure, have the translations completed, and achieve a citywide distribution of the translated brochures by the end of this fiscal year. Software to assist with some of the translations has been ordered.

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. Twenty-two (22) complaint kits were mailed to prospective complainants during the fiscal year in response to telephone inquiries or other requests. In addition, the Commission continued to proactively distribute complaint kits and other resource materials to community-based organizations, to the local offices of elected officials, to libraries and other public-access institutions throughout the year.

The Commission projects further promotion and expansion of its community outreach and education efforts especially in light of the launching of its website (a reciprocal link to the Commission's website through the Police Department's website will soon be requested). The Commission is also particularly interested in refining the Rights and Responsibilities workshop to better accommodate its regular use in schools, libraries, youth agencies, community organizations and other similar venues.

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

With regard to the latter, the Commission on January 1, 2002 initiated its official Community Service Satisfaction Survey. As of that date, complainants visiting the office have been asked after the completion of the intake process to voluntarily and

anonymously complete a three page Customer Satisfaction Survey that asks the complainant to rate the quality of the service he/she experienced from the time of initial contact with the Commission through the conclusion of intake. Sixty-seven (67) complainants completed the intake forms through August 31, 2002.

The survey form was adopted from a similar form used by the civilian oversight agency of San Jose, CA. Ratings are based on a scale of 1 to 5 with five being the highest rating and one being the lowest; a zero option of No Opinion or Not Applicable was also available. Commission complainants rated the quality of service provided by Commission staff very highly across the board. A more comprehensive analysis of the survey results will be included in next year's report. A copy of the survey form is included in the Appendix. The results of the survey for this initial eight-month period are cited immediately below. A total of 67 complainants filled out the survey. Not all responded to each question.

Customer Satisfaction Survey Results	EXCELLENT-----DISSATISFIED---NO 5 1 OPINION					
	5	4	3	2	1	0
A. How would you rate the responsiveness of the staff when you <u>first contacted</u> the office?	58	9	0	0	0	0
B. How well do you feel the staff explained the complaint process and procedures to you?	59	7	1	0	0	0
C. How <u>accessible</u> (easy to find, etc.) was the office?	49	9	5	3	1	0
D. If applicable, were you satisfied that a complaint kit was promptly mailed to you, or that your phone call(s) was returned in a timely manner?	17	1	3	0	0	7
E. If applicable, were you satisfied that the initial processing of your inquiry/complaint was handled promptly and efficiently?	55	7	1	0	0	2
F1. My interview was conducted in a timely manner.	63	1	2	0	0	0
F2. My interview was conducted in a courteous and respectful manner.	64	2	0	0	0	0
F3. My interview was objective and impartial.	57	6	1	1	0	0
F4. My interview was conducted in a professional manner	62	4	0	0	0	0
G. Overall, how do you feel about the services you received during you initial contact with the Commission?	57	7	1	0	0	0

VI. Personnel & Budget

A. Personnel

1. Staff

Although Commission staffing remains at six full time employees, a reorganization implemented midway during the fiscal year modified the Commission's organizational structure. The new organizational structure was intended to lay a foundation for the Commission's becoming more technological in both its infrastructure and operations. The long-term objective being to make the Commission more efficient and effective through the use of the technology and advancements even as its caseload continues at higher level, and its operational resources remain unchanged. In addition to the reorganization, new personnel joined the Commission staff during the fiscal year. The Commission wishes to acknowledge the hard work and dedication of two former employees who contributed to the Commission's work in FY2002; Special Investigator Karen Fequa, and former Director of Operations Grisette Perez.

As of November 1, 2001, the title of Administrative Director was eliminated and the new position of Director of Information Services was instituted. Kelvyn Anderson, a former Special Investigator with a journalistic and computer skills background, was named to the new position. Two new Special Investigators, Mr. Wellington Stubbs II and Ms. Ana Sostre joined the staff during March 2002. Mr. Stubbs was a senior investigator with the NJ Attorney General's Office of Insurance Fraud, and Ms. Sostre was a former Deputy Sheriff with 12 years experience with the Philadelphia Sheriff's Department.

As in the past, permanent staff was augmented during the year by "interns", who initially were placed by the Transitional Work Corporation, and more recently by Cite Business School. Both are agencies that provide welfare-to-work support services. Photographs and brief biographies of Commission members and staff serving through the end of the fiscal year can be found as part of the introductory materials at the beginning of this report.

2. Commission Membership

Commission membership remained incomplete for all of fiscal year 2002. Neither the Mayor nor the City Council appointed any new members during the year. However, neither were there any Commission member resignations or separations. Commission membership remained at 15. When at full complement, the Commission has fifteen permanent members and four alternate members. The four Mayoral appointees whose terms expired in February 2000 continued to voluntarily serve during the fiscal year. There continues to be one vacancy in the permanent member positions, and three vacancies in the alternate member positions. The Commission formally renotified the Mayor and the City Council of the pending vacancies during the year, and met twice with the Hon. Augusta Clarke, the Mayor's Secretary of Boards, Commissions, and Authorities specifically to discuss the Commission's Mayoral vacancies. William T. Cannon, Esq. assumed the Chairmanship of the Commission on September 1, 2001.

The Commission acknowledges and offers its most sincere appreciation to former Commission Chair Jane L. Dalton, Esq. for the strong leadership and guidance demonstrated during her seven-year tenure as Chair of the Commission. The Commission and the citizenry of Philadelphia could not have been better served. Commission Member Dalton was designated a Member Emeritus of the Executive Committee in January 2002.

3. Commission Counsel

The Commission thanks former Commission lead counsel James Eisenhower, Esq., who left the firm of Montgomery, McCracken, Walker and Rhoads, LLP (official counsel of the Commission), during the fiscal year. His commitment to the Commission and its mission during his seven years of service are gratefully acknowledged. His wise counsel and support will be missed. The Commission also acknowledges and thanks associate Commission counsel Jeanette Melendez Bead, who left Montgomery, McCracken at the end of May 2002, for her dedicated two years of service to the Commission. The Commission warmly re-welcomes Richard Scheff, Esq. of Montgomery, McCracken, new lead counsel, as he renews his relationship with the Commission.

B: Budget

The Commission's FY02 operating budget, original appropriation, was approximately \$389,000, approximately the same as the Commission's operating budget for FY01. The Commission's operating budget was less than the previous year's budget appropriation. The Commission budget has remained basically unchanged since it began operations in 1994. Requests for funding above the original appropriation, submitted now for the past four years for the hiring of additional investigators and other personnel, have been denied.

VII. Summary & Closure

The Commission enjoyed another very productive and noteworthy fiscal year. The continuing high number of filed complaints and inquiries by the public speaks well about the Commission's continuing community outreach and education efforts. Similarly the enhanced press and media coverage during the year of the Commission and its activities also validates the Commission's community outreach and education efforts. The Customer Satisfaction Survey results further validate the time and effort expended in making the Commission more community friendly and accessible. The next fiscal year should witness an even more coordinated community outreach and education effort including utilization of the Commission's website. The new year will also see a further infusion and development of technological capacity at all operational levels of the Commission as well a redefinition of how the Commission can better offer and provide its services to the communities and Police Department of Philadelphia.

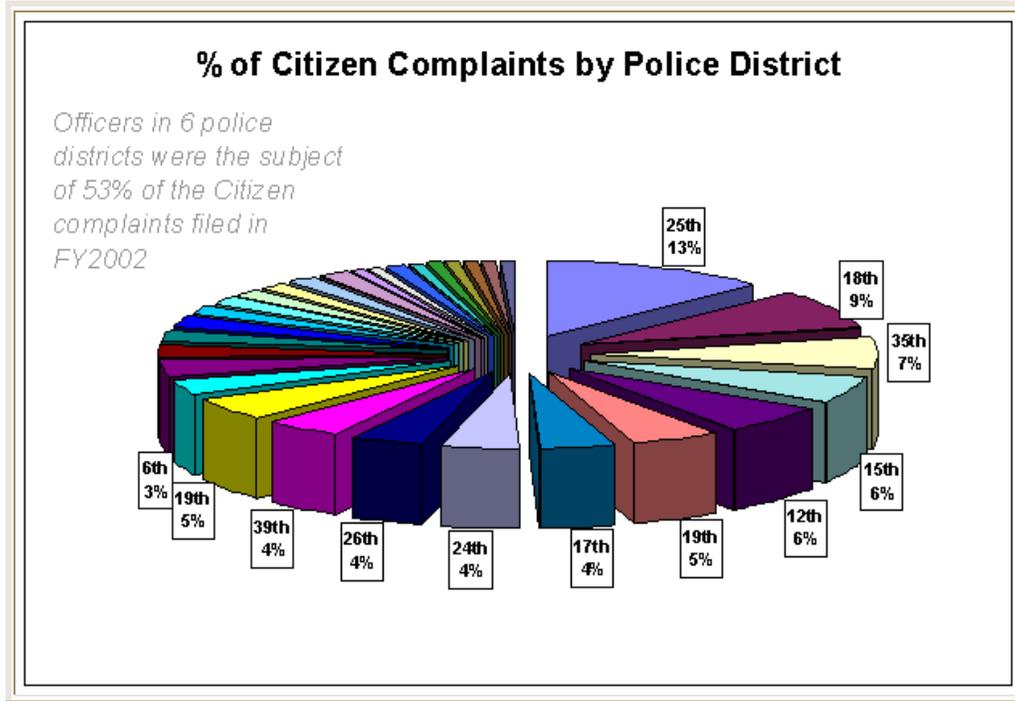
There remains one caveat. As noted by the Mayor's Task Force on Police Discipline, the ability of the Commission to meet the challenges of the future will depend in no small measure on the support and recognition provided by the City administration generally, and the Police Department particularly. The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

Good Policing Is Everybody's Responsibility

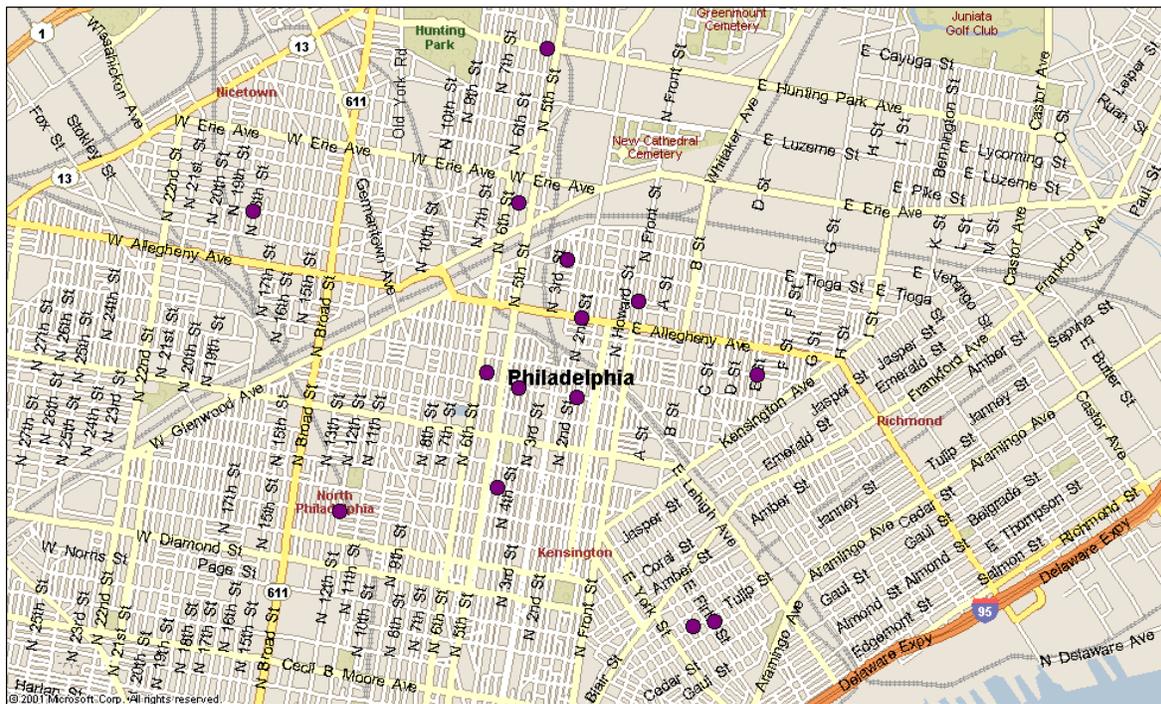


VII. Appendix

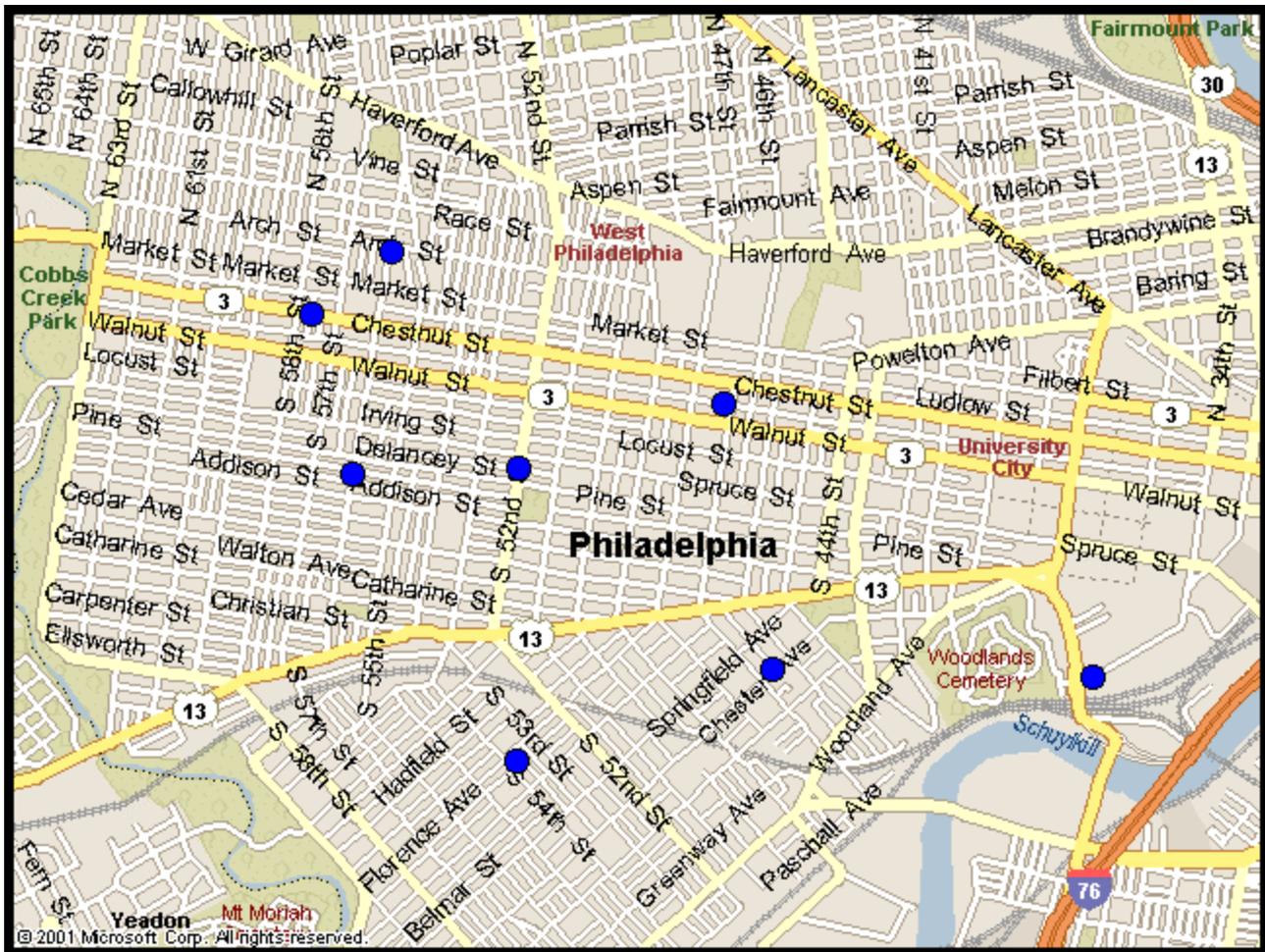
Complaints by Police District



The map below shows the approximate locations of individual complaints received from the 25th Police District by the Commission throughout FY2002



The map below shows the approximate locations of individual complaints received from the 18th Police District by the Commission throughout FY2002



As the Commission continues to improve its data collection process, more information regarding police discipline and management issues will be forthcoming.

CUSTOMER SERVICE SATISFACTION SURVEY

This survey questionnaire is to help the Police Advisory Commission (Commission) better serve you and the community. The information that you provide will have no effect on the investigation or outcome of your complaint, and will not become part of your complaint file. The survey will be used only to assess the level and quality of customer service provided by the Commission. Please take a few minutes to fill out the questionnaire now. If you chose not to participate, please write "no" on the short line at the end of this paragraph. Thank you for your assistance and cooperation.

_____ No

A. How would you rate the responsiveness of the staff when you first contacted the office? (for more comments/suggestions, use back page)

5	4	3	2	1	0
Excellent				Poor	No Opinion

B. How well do you feel the staff explained the complaint process and procedures to you? (for more comments/suggestions, use back page)

5	4	3	2	1	0
Excellent				Poor	No Opinion

C. How accessible (easy to find, etc.) was the office? (for more comments/suggestions, use back page)

5	4	3	2	1	0
Very Accessible				Not Easily Accessible	No Opinion

D. If applicable, were you satisfied that a complaint kit was promptly mailed to you, or that your phone call(s) was returned in a timely manner? (for more comments/suggestions, use back page)

5	4	3	2	1	0
Completely				Completely	No Opinion

Satisfied

Dissatisfied

E. If applicable, were you satisfied that the initial processing of your inquiry/complaint was handled promptly and efficiently? (for more comments/suggestions, use back page)

5	4	3	2	1	0
Completely Satisfied				Completely Dissatisfied	No Opinion

F. Were you interviewed by a Commission investigator? Yes No

If yes, please rate the following statements (for comments/suggestions, use back page)

a. My interview was conducted in a timely manner.

5	4	3	2	1	0
Completely Agree		Somewhat Disagree	Disagree	Completely Disagree	No Opinion

b. My interview was conducted in a courteous and respectful manner.

5	4	3	2	1	0
Completely Agree		Somewhat Disagree	Disagree	Completely Disagree	No Opinion

c. My interview was objective and impartial..

5	4	3	2	1	0
Completely Agree		Somewhat Disagree	Disagree	Completely Disagree	No Opinion

d. My interview was conducted in a professional manner.

5	4	3	2	1	0
Completely Agree		Somewhat Disagree	Disagree	Completely Disagree	No Opinion

G. Overall, how do you feel about the services you received during you initial contact with the Commission? (for more comments/suggestions, use back page)

5	4	3	2	1	0
Completely				Completely	No
Satisfied				Dissatisfied	Opinion

8. What could the Commission do to be more helpful to people looking to file a citizen complaint? (continue in back page if needed).

Please return this survey before leaving the office or, if not done at the office, in the enclosed, self addressed envelope.

Thank you again.

For Staff Use Only:

Date Submitted: _____ Accepted By: _____

