

EXECUTIVE ORDER NO. 5-85

Establishing The Philadelphia Special Investigation Commission

WHEREAS, on May 13, 1985, an incident occurred at 6221 Osage Avenue in the City and County of Philadelphia, Pennsylvania, that resulted in the loss of eleven lives and the destruction by fire of the homes and personal effects of sixty-one families in the surrounding neighborhood; and

WHEREAS, that incident was the result of an interaction between the so-called MOVE organization and various departments and agencies in the Executive and Administrative branch of Philadelphia City government; and

WHEREAS, under the Philadelphia Home Rule Charter said departments and agencies report to the Mayor as the Chief Executive Officer responsible for the Executive and Administrative branch of City government; and

WHEREAS, the Mayor is charged by the Philadelphia Home Rule Charter with responsibility for the conduct of the executive and administrative work of the City and for law enforcement within its boundaries; and

WHEREAS, the Mayor has broad powers under the Philadelphia Home Rule Charter to supervise, monitor and investigate the activities of the various departments and agencies that perform executive and administrative functions; and

WHEREAS, the incident of May 13, 1985, has given rise to complaints about the operation of the Executive and Administrative branch of City government and law enforcement within its boundaries; and

WHEREAS, it is important to the public confidence in City government that this incident be thoroughly investigated by an independent and impartial commission; and

WHEREAS, it is essential that this commission have the full authority granted to the Executive and Administrative branch by the Philadelphia Home Rule Charter in order to successfully perform this function; and

WHEREAS, it is desirable to restate in a single document all previous actions taken by me with regard to establishing a commission to investigate the incident of May 13, 1985,

NOW, THEREFORE, by the power vested in me in accordance with Section 8-409 of the Philadelphia Home Rule Charter as the Mayor of the City, it is hereby ordered:

(1) That the Philadelphia Special Investigation Commission is established to conduct a thorough, independent and impartial examination of the events leading up to and including the incident of May 13, 1985, in the neighborhood of 6221 Osage Avenue in Philadelphia, Pennsylvania.

(2) The Commission shall inquire into the conduct of City employees in the planning and implementation of City government actions prior to and on May 13, 1985.

(3) The Commission is authorized to conduct investigations, hold hearings and perform any other tasks related to the performance of its functions.

(4) The Commission is hereby granted the right of access to the records of any officer, department, board, agency or commission of the City relating to the MOVE organization and the events of May 13, 1985.

(5) The Commission shall have the authority vested in the Executive and Administrative branch of City government under the Philadelphia Home Rule Charter to compel the attendance and testimony of witnesses and the production of documents and other evidence relating to the incident of May 13, 1985; and, for that purpose, it may issue subpoenas requiring the attendance and testimony of persons and the production of documents and other evidence and cause them to be served in any part of the City.

(6) All employees within the Executive and Administrative branch of City government are hereby directed to fully cooperate with the Commission by promptly producing documents, records, files and any other information that the Commission may request. In addition, these employees, on request of the Commission, shall be available to meet with, be interviewed by, and testify before the Commission during its hearings.

(7) The Commission shall be provided whatever funding for staff and other resources reasonably necessary for the performance of its functions.

(8) The Commission shall strive to complete its tasks in as expeditious a manner as possible.