

## **EXECUTIVE ORDER NO. 7-11**

### **PROCESSING OF COMPLAINTS ALLEGING POLICE MISCONDUCT**

WHEREAS, issues relating to public safety are of primary concern to all citizens of the City of Philadelphia;

WHEREAS, it is incumbent upon the government of the City of Philadelphia to ensure that agencies directly responsible for public safety have the proper support from the government and its agencies; and that the citizenry have an equal degree of faith in those agencies to deal with their complaint in a fair, equitable and timely manner;

WHEREAS, Executive Orders 1-80 and 9-93 established procedures for the prompt and impartial processing of complaints against the Police Department;

WHEREAS, there is a need to broaden and codify the procedures by which citizens of the City of Philadelphia can seek redress of grievances against members of the Police Department and the Police Department can investigate police misconduct;

WHEREAS, in order to serve the best interests of the citizens of Philadelphia, the involved police officer, and the Philadelphia Police Department, it is necessary to issue a new Executive Order amending the procedures established by Executive Order 9-93 in order to more effectively and promptly address certain types of allegations of police misconduct;

WHEREAS, the prompt response to, effective investigation of, and impartial resolution of citizens' complaints of police misconduct are essential to the trust that society places in its police;

WHEREAS, numerous complaints of police misconduct have been made by the citizens against some members of the Philadelphia Police Department;

WHEREAS, the existing procedures for investigating and determining such complaints need to be broadened and made more accessible to the public, thereby permitting the public to hold the Police Department accountable for the resolution of citizens' complaints; and

WHEREAS, it is the intention of this Executive Order to preserve the autonomy of the Police Commissioner's exercise of duties, while mandating procedures equitable to both citizens and police personnel for resolving citizens' complaints of police misconduct.

NOW THEREFORE, by the power vested in me in accordance with Section 3-100(h) of the Philadelphia Home Rule Charter, the following amended guidelines for the processing of complaints of police misconduct by members of the Philadelphia Police Department, and the study, review, and disposition of said complaints, are hereby ordered.

## SECTION 1. CITIZENS' COMPLAINTS

- a. All citizens' complaints against a police officer shall be received, investigated, and disposed of in accordance with the procedures set forth herein, and complainants shall be notified of actions taken by the Police Commissioner.
- b. Copies of complaint forms entitled "Citizen's Complaint Report" (CCR), published in English, Spanish, Chinese, Korean, and other language versions as shall be necessary to provide broad and inclusive access to this complaint procedure, shall be made available via the Philadelphia Police Department website and supplied in sufficient quantities to all police districts and units, the Philadelphia Commission on Human Relations, the Police Advisory Commission, the Mayor's Office for Community Services, the District Attorney's Office, and any community-based organization upon request. Complainants may submit completed forms to any of these offices or agencies.

Each of the above-listed agencies or offices receiving CCRs (the "receiving agency") shall maintain a control log to track the number of forms provided to complainants and collected, as set forth in subsection d hereof. The District Attorney's office is requested to maintain such records as it deems necessary of such complaints. Interpreters and persons with needed literacy skills shall be made available, as provided in Philadelphia Police Directive No. 71 regarding access to police services for individuals with limited English language proficiency, as needed, throughout the complaint and investigation process. Such persons shall not be sworn currently employed police officers.

- c. The complaint form shall contain a statement to the effect that the filing of a complaint will not necessarily result in a criminal investigation, but that an Internal Police Investigation will be initiated. The complaint form shall also include the address and telephone number of the Internal Affairs Division, and a summary of the procedures and timetable established by this Order for the conduct of investigations and notification to the complainant. Each complainant shall receive a copy of the CCR at the time it is filed with the receiving agency. Not later than twenty-four (24) hours after the CCR is filed with the receiving agency, the said agency shall send a copy of the CCR to the Police Department (if received by an agency outside the Department) and to the District Attorney's Office. If a complaint is received by the District Attorney's Office, that office is requested to forward it promptly to the Police Department.

The control log maintained by the receiving agency shall show the name of the complainant (except in the case of anonymous complaints), the date and time the complaint form was received from the complainant, and whether the complainant left the form with the receiving agency to be officially filed. The log shall not show the name, badge number, or other descriptive information relating to any police officer(s) complained of. The Police Department shall keep a master file of

all forms received and the offices or agencies from which they were received. Such control logs and master list shall be available for viewing by the public.

- d. The Internal Affairs Division of the Police Department shall be designated as the central control agency for all cases of citizens' complaints against members of the Police Department.
- e. Police Department personnel shall inform any person who wishes to make a complaint against a police officer of the existence of the formal complaint procedure established by this Executive Order and shall refer such persons to the various locations, including the nearest location, where the CCR may be obtained and filed.

(1) Police Department personnel shall accept anonymous complaints and in such cases shall follow the procedures in Section 3 of this Order.

(2) Police Department personnel shall provide a CCR to anyone requesting such forms, without requesting or requiring identification.

(3) When dealing with a possible complainant, Police Department personnel shall maintain a professional demeanor and take no actions to intimidate, coerce or otherwise dissuade a complainant from submitting a CCR.

- f. The Police Department shall promulgate specific procedures for the recording and processing of citizen complaints against members of the Police Department in accordance with this Executive Order by its effective date. The Police Department shall also prepare, publish and distribute CCRs in accordance with this Executive Order by its effective date.

## SECTION 2. PROCEDURES FOR THE INVESTIGATION OF COMPLAINTS

All citizen complaints concerning police misconduct which are filed shall be received, investigated, and disposed of in accordance with the procedures set forth herein, except as provided in Sections 4 (relating to Complaints Lacking Any Merit), 5 (relating to Traffic or Parking Citation Complaints), 6 (relating to Right to Know Complaints), 7 (relating to Verbal Abuse or Lack of Service Complaints) and 8 (relating to Priority of Investigations) of this Executive Order. The following procedures shall govern the investigation of citizens' complaints:

- a. Upon receipt of the CCR, the Commanding Officer of Internal Affairs shall promptly assign it for investigation to a member of Internal Affairs, who shall be responsible for the investigation of the alleged incident. All such investigations shall be initiated by, and insofar as practicable, carried out by the staff of Internal Affairs. The staff of Internal Affairs shall have direct responsibility for all such investigations. No such complaint shall be referred for investigation to the commanding officer of the police office against whom the complaint has been

lodged, or to any other officer of the same command; provided however, that Internal Affairs may refer certain verbal abuse or lack of service complaints to the Inspector of the unit to which the accused officer is attached, where appropriate pursuant to Section 7 hereof. Internal Affairs shall monitor and review such investigations and, where necessary, take appropriate action.

- b. The investigation of the CCR by Internal Affairs shall include, but not be limited to, the following:
- Interviews with the complaining witness, the alleged victim of police misconduct (if other than the complaining witness), and all other witnesses to the incident who are indicated on the complaint form;
  - Interviews with the police officer(s) against whom the complaint is lodged and all other police officers witnessing or involved in the alleged incident;
  - Interviews with all other witnesses to the alleged incident who become known to the investigating officer as a result of the investigation;
  - Examination of the scene of the alleged incident, when appropriate;
  - Viewing, analysis, and preservation of any and all evidence submitted by the complainant or witnesses or otherwise discovered during the investigation including, but not limited to, photographs, video recordings, medical records and any reports of property damage;
  - The gathering of all pertinent Police Department forms, analyses, technical reports, laboratory results, tapes and transcripts of telephone calls, and radio transmissions;
  - If a criminal complaint has been lodged against any witness or participant in the event, a review and analysis of the investigative file compiled by the Police Department and/or the District Attorney's Office in connection with such criminal complaint, when available;
  - Such other investigative steps as may appear appropriate in the discretion of the assigned investigator, whose responsibility it shall be to record each step in the investigation and the result thereof in an Investigation Report.
- c. The assigned investigator shall attempt to secure written statements from all participants in, and witnesses to, the alleged incident, but where any witness or participant is unwilling to make a signed written statement, the assigned investigator shall provide a summary of the oral statement, if any, provided by such participant or witness. Where a written statement is given and signed by a participant or witness, the assigned investigator shall provide the person making the statement with a copy.

- d. When a complainant is unable to identify the police officer against whom a complaint is lodged by name or badge number, the assigned investigator shall make every effort to assist the complainant in making a positive identification of the police officer.
- e. All investigations shall be completed by Internal Affairs, and the Investigation Report prepared, within seventy-five (75) days from the date of filing of the CCR, except for extenuating circumstances stated in the Investigation Report and approved by the Police Commissioner or the Commanding Officer of Internal Affairs. The Investigation Report shall include the written recommendation of the investigator regarding the validity of the complaint.
- f. Within fifteen (15) days of the completion of an investigation, the ranking officer of Internal Affairs shall review the Investigation Report, and upon giving approval thereof, forward the Investigation Report, the entire investigation file, and the ranking officer's written conclusion as to the occurrence and nature of the misconduct, if any, to the Police Commissioner.
- g. If extenuating circumstances necessitate an extension of time, the complainant (as well as the accused police officer) shall be notified in writing of this fact and the reason therefor.

### SECTION 3. ANONYMOUS COMPLAINTS

- a. When a member of the Police Department is approached by a complainant wishing to make an anonymous complaint concerning allegations of misconduct, the individual receiving the complaint shall notify the anonymous complainant that it is in the best interest of a full and complete investigation for the complainant to be identified and interviewed by the assigned investigator.
- b. If the anonymous complainant nevertheless wishes to remain anonymous, the individual receiving the complaint shall attempt to elicit all facts which the complainant can provide and shall record and process the complaint pursuant to Section 2 hereof, to the extent possible.

### SECTION 4. COMPLAINTS LACKING ANY MERIT

The following shall be the procedures for the disposition of complaints lacking any merit:

If the assigned investigator of Internal Affairs, with the agreement of the ranking officer of the Internal Affairs Division, determines that the facts stated in the CCR, if accepted as true in all respects and interpreted in the light most favorable to the complainant or the alleged victim of police misconduct (if other than the complainant), disclose no improper behavior on part of the police officer against whom the complaint is lodged, the ranking officer of the Internal Affairs Division may terminate the investigation. The Police

Commissioner shall cause notice of the determination to be given to the complainant and to the alleged victim of the misconduct (if other than the complainant), or to the representative designated in the CCR.

#### SECTION 5. TRAFFIC OR PARKING CITATION COMPLAINTS

The following shall be the procedures for the disposition of traffic or parking citation complaints:

If the assigned investigator of Internal Affairs, with the agreement of the ranking officer of the Internal Affairs Division, determines that a complaint concerns the issuance of a traffic or parking citation, and the facts stated in the CCR, if accepted as true in all respects and interpreted in the light most favorable to the complainant or the alleged victim of police misconduct, disclose no improper behavior on the part of the officer against whom the complaint was lodged, the ranking officer of the Internal Affairs Division may terminate the investigation. The Police Commissioner shall cause notice of the determination to be given to the complainant with instructions that the proper procedure to dispute a traffic or parking violation is to appeal the citation to the appropriate forum as indicated on the complainant's copy of the citation. If any improper behavior on part of the police officer is disclosed, the complaint will be investigated according to Section 2 of this Executive Order.

#### SECTION 6. RIGHT TO KNOW COMPLAINTS (65 P.S. § 67.101)

The following shall be the procedures for the disposition of Pennsylvania Right to Know complaints:

If the assigned investigator of Internal Affairs, with the agreement of the ranking officer of the Internal Affairs Division, determines that a complaint concerns the denial of or delay in a Right to Know request authorized under Pennsylvania law, and the facts stated in the CCR, if accepted as true in all respects and interpreted in the light most favorable to the complainant, disclose no improper behavior on the part of the officer against whom the complaint was lodged, the ranking officer of the Internal Affairs Division may terminate the investigation. The Police Commissioner shall cause notice of the determination to be given to the complainant, with instructions that the proper procedure to appeal Right to Know disputes is to the appropriate forum as indicated in the Pennsylvania Right-to-Know Law, 65 P.S. § 1101. If any improper behavior on part of the police officer is disclosed, the complaint will be investigated according to Section 2 of this Executive Order.

#### SECTION 7. VERBAL ABUSE OR LACK OF SERVICE COMPLAINTS

a. If the assigned investigator of Internal Affairs, with the agreement of the ranking officer of the Internal Affairs Division, determines that the facts stated in the CCR, if accepted as true in all respects and interpreted in the light most favorable to the

complainant or the alleged victim of police misconduct (if other than the complainant), would constitute verbal abuse or lack of service only, and that it is the “first complaint” of such conduct against the officer(s) named, the ranking officer of the Internal Affairs Division shall refer the complaint to the Inspector of the officer against whom the complaint was lodged.

The goal of the Inspector’s investigation shall be to remedy the actual or perceived offensive behavior of the police officer against whom a complaint has been lodged in the most efficient and prompt manner possible. To accomplish this goal, the Police Department shall be prohibited from taking any formal disciplinary action against a police officer for the “first complaint” received for verbal abuse or lack of service in a two (2) year period.

b. For purposes of this Order, the assigned Internal Affairs investigator shall determine the “first complaint” status by reviewing the Internal Affairs history of the officer during the two (2) years prior to the date of current complaint. If an officer has any complaints of verbal abuse or lack of service during this time period, the current complaint shall be deemed a second or subsequent complaint and shall be investigated and disposed of pursuant to Section 2 of this Executive Order, including possible discipline.

Prior to the Effective Date of this Executive Order, the Police Department shall implement appropriate policies and procedures to ensure that officers subject to allegations of verbal abuse or lack of service receive an in-depth review and such advice, instructions and other useful feedback regarding the complaint as will enable them to avoid similar complaints in the future.

c. The procedures for disposition of such “first complaints” shall be the following:

1. Upon receipt of a complaint from the ranking officer of the Internal Affairs Division, the Inspector of the police officer against whom the complaint was lodged shall contact and interview the complainant, and the complainant’s witnesses, if possible, to confirm the facts of the case.
  - i. If the Inspector determines in the initial investigation that any aspect of the complaint exceeds the scope of verbal abuse or lack of service, the complaint shall be referred back to Internal Affairs to be investigated and disposed of pursuant to Section 2 of this Executive Order. Additionally, if upon review the Inspector determines that the complaint states a claim of verbal abuse or lack of service motivated by racial, ethnic or sexual orientation animus, the complaint shall be referred back to Internal Affairs to be investigated and disposed of pursuant to Section 2 of this Executive Order.
2. The Inspector shall schedule a meeting with the police officer, his or her commanding officer and any other persons the Inspector deems necessary,

to discuss the facts of the complaint. At such meeting the officer will be able to convey his or her version of the incident.

3. At the conclusion of the meeting, the Inspector shall provide the officer with his or her opinion of the incident and the alleged conduct of the police officer. The Inspector shall then offer his or her advice, instructions and other useful feedback regarding the complaint and the officer's actual or perceived behavior, demeanor or conduct, so as to assist the officer in avoiding any similar complaints in the future.
4. The complainant shall be notified in writing that a meeting was held with the police officer against whom the complaint was lodged, at which the officer's conduct was discussed, and the case will be closed out.

d. Second or subsequent complaints alleging verbal abuse or lack of service against the same officer within the two (2) year period following the date of the complaint amounting to verbal abuse or lack of service as set forth above shall be investigated and disposed of pursuant to Section 2 of this Executive Order, including possible discipline.

#### SECTION 8. PRIORITY OF CRIMINAL INVESTIGATIONS

- a. In the event that the complainant or alleged victim of police misconduct (if other than the complainant) has been arrested and charged with a criminal offense or offenses based upon the events on which the CCR is founded, the investigation and disposition of the complaint shall conform to the procedures established in this Order. However, the complainant or the alleged victim of police misconduct may elect not to give a written or oral statement either to the assigned investigator or before the Police Board of Inquiry, or both, until final disposition, including appeal, of all such criminal charges. In the event of such an election, the investigation shall remain open until such criminal charges have reached a final disposition, including appeal, and a new opportunity has been given to the complainant or alleged victim to make such a statement.
- b. In the event that a prosecutorial agency notifies the Police Commissioner that the officer who is the subject of the complaint is under criminal investigation for the offense complained of in the CCR, or in the event that a police officer is arrested for the offense complained of in the CCR, the investigation and disposition of the complaint shall conform to the procedures established by this Order. Where criminal charges are not resolved or the criminal investigation is not complete prior to the Commissioner or his appointed delegate's final determination of the Citizen Complaint, the Commissioner shall reevaluate such final determination within fifteen (15) days of the resolution of the criminal charges or the closing of the criminal investigation. A criminal investigation shall be deemed closed upon written notice from the prosecutorial agency. The Commissioner may affirm, modify or reverse the prior determination in light of the outcome of the criminal charges or criminal investigation, or may reopen the departmental investigation which shall conform to

the within procedures. A brief statement by the Commissioner supporting the decision upon reevaluation shall be transmitted to the complainant or alleged victim of police misconduct (if other than the complainant), in the manner prescribed by Section 9(d) hereof.

- c. If the initiation or completion of an investigation is delayed due to possible or pending criminal charges as detailed in Sections 8(a) or (b) hereof, the time period mandated by this Executive Order for the completion and disposition of the investigation may be extended for the period of the delay.

## SECTION 9. REVIEW AND DISPOSITION OF COMPLAINTS

Except for those complaints handled pursuant to the provisions of Sections 4 (relating to Complaints Lacking Any Merit), 5 (relating to Traffic or Parking Citation Complaints), 6 (relating to Right to Know Complaints), or 7 (relating to Verbal Abuse or Lack of Service Complaints), upon receipt of the file and the findings and conclusions of the ranking officer of the Internal Affairs Division, the Police Commissioner or a Deputy Commissioner assigned by the Commissioner shall review the entire file and determine the appropriate disposition of the complaint in accordance with the following provisions:

### a. Criminal Misconduct.

- (1) In every case in which the Commissioner or his appointed delegate determines with reasonable satisfaction from the investigation report that misconduct rising to the level of a crime has occurred, the Commissioner shall impose such sanctions as the Commissioner deems appropriate, and shall refer the matter to the District Attorney or the U.S. Attorney for consideration and prosecution unless prosecution has been previously initiated. Whether misconduct rises to the level of a crime shall be determined by reference to the Pennsylvania Crimes Code, Federal criminal statutes, and/or regulations.
- (2) In every case in which the Commissioner or his appointed delegate determines from the investigation report that (a) there are reasonable grounds to believe that misconduct rising to the level of a crime has occurred, and (b) there are disputed issues of fact or required credibility determinations which prevent a prosecution of the matter by the District Attorney or U.S. Attorney, the Commissioner or appointed delegate, where appropriate, shall take direct disciplinary action.
- (3) In every case in which the Police Commissioner or his appointed delegate determines from the investigation, and without regard to any person's credibility, that there are no reasonable grounds to believe that criminal misconduct has occurred, the Commissioner shall proceed in accordance with Section 9(b) hereof.

b. Non-Criminal Misconduct.

In every case in which the Police Commissioner or his appointed delegate determines pursuant to Section 9(a)(3) hereof that no misconduct rising to the level of a crime has occurred, the Commissioner shall, in his discretion, (i) make a finding that non-criminal misconduct has occurred, and impose such sanctions as the Commissioner shall deem appropriate; (ii) refer the complaint to the Police Board of Inquiry for a hearing; or (iii) make a finding that no misconduct has occurred and close the file.

c. Disciplinary Action.

In every case in which the Police Commissioner or his appointed delegate determines that misconduct has occurred, the Commissioner shall impose sanctions which are commensurate with the seriousness of the misconduct, taking into account the prior history of the officer in question. Sanctions shall range from a reprimand to dismissal from service.

d. Notice

The disposition of the complaint, including any disciplinary action, shall be communicated in writing, by certified mail, to the officer against whom the complaint was lodged, the complainant and the alleged victim of police misconduct (if other than the complainant), or such person's representative as may be designated in the CCR; and a copy shall be delivered to the District Attorney's Office. The notification shall inform the person to whom it is given that the entire file is available for review.

e. Except for extenuating circumstances stated in the file, the determination of the Police Commissioner and the notice prescribed in Section 9(d) shall be made within twenty (20) days from the receipt of the file by the Police Commissioner.

f. In those instances in which the Police Commissioner determines that no misconduct has occurred, the notice to the complainant and the alleged victim (if other than the complainant) shall include a summary of the investigative findings and the reason for the Police Commissioner's actions.

## SECTION 10. THE POLICE BOARD OF INQUIRY

a. Upon referral by the Commissioner of the complaint to the Police Board of Inquiry (the "Board") for hearing, the following procedures shall apply:

The Board shall schedule a hearing to be held at the earliest possible date, but not to exceed ninety (90) days from the referral of the complaint. Not less than thirty (30) days' written notice of the time and place of the hearing shall be given by certified mail, return receipt requested, to the complainant and the alleged victim of police misconduct (if other than the complainant) or to his or her attorney or other representative designated in the CCR; to material witnesses identified in the

investigation; to the police officer or employee charged with misconduct; and to all witnesses and participants whom the Commissioner or the Board believes may be helpful in resolving the question before the Board.

- b. The Board may grant a continuance of the scheduled hearing only upon written request by a member of the Board or the Department Advocate. If a continuance is granted, the hearing will be rescheduled to be held at the earliest date possible but not to exceed thirty (30) days from the date of the first scheduled hearing, and notice shall be given to the accused officer or employee and any witnesses by certified mail, return receipt requested.
- c. Hearings shall be informal and strict rules of evidence shall not apply. The assigned investigator and any officer or employee against whom charges have been placed shall attend. Testimony under oath shall be received from all persons who appear and purport to have information which is material to the complaint. Any accused Police Department officer or employee may be represented by counsel or other representative and shall have the right to present evidence and to examine and cross-examine witnesses. An audio recording of the hearing shall be made and shall be made available, upon payment of costs, to any person requesting same. All hearings shall be open to the public.
- d. The Board shall forward to the Police Commissioner or to the Commissioner's appointed delegate written findings of ultimate facts based on all of the evidence presented at the hearing. If the Board finds that a police officer engaged in misconduct, it shall also make a recommendation for disciplinary action against the police officer. If the Board finds that misconduct rising to the level of a crime has occurred, determined by reference to the Pennsylvania Crimes Code, federal statutes or regulations, it shall refer the matter to the District Attorney or the U.S. Attorney for consideration of prosecution, unless prosecution has been previously initiated. A copy of the Board's findings and recommendations, if any, shall be kept on file by the Department Advocate.
- e. Upon consideration of the Board's findings and recommendation, if any, the Police Commissioner shall make a final determination of the complaint, which, together with a brief statement of reasons in support of or in disagreement with the findings and recommendations of the Board, shall be transmitted to the appropriate parties, in the manner provided by Section 9(d) hereof.

#### SECTION 11. PUBLIC ACCESS TO AND MAINTENANCE OF RECORDS

The following shall govern the maintenance and distribution of all documents created as a result of a citizen's complaint alleging police misconduct.

- a. Following disposition of a complaint, two (2) copies of the entire investigation file, the written findings and recommendation of the Board, if any, and the Police Commissioner's final determination shall be maintained at a designated location in

the Internal Affairs Division, with one (1) set filed under the complainant's name and one (1) set filed under the name of the police officer who is the subject of the complaint. These records shall be made available to the public during normal working hours, except as otherwise provided below.

- b. The Police Department shall provide a copy of the entire file to the District Attorney's Office or U.S. Attorney's Office within seventy-two (72) hours following receipt of a written request from the District Attorney's Office or U.S. Attorney's Office. During the investigation and upon receipt of a written request from the District Attorney's Office or the U.S. Attorney's Office, the assigned investigator shall provide to the District Attorney's Office or the U.S. Attorney's Office any requested information within twenty-four (24) hours after receipt of the request.
  - (1) Upon the request of third party witnesses, their names and addresses can be omitted from the public file; however, their names and addresses will be provided to the District Attorney or U.S. Attorney, and upon request, to the police officer against whom the complaint is lodged, the complainant, and the victim (if other than the complainant).
  - (2) The records of anonymous complaints received pursuant to Section 3(b) above, and for which an investigation has found no corroboration of the complainant's version of the facts, shall be maintained in a separate public file in chronological order and the names of all parties shall be omitted. The identities of the parties shall be provided, however, to the District Attorney or U.S. Attorney, and upon request to the police officer against whom the complaint is lodged, and the victim if other than the complainant. All other anonymous complaints shall be maintained as provided in Section 11(a) hereof.
  - (3) If the incident which is the subject of the Citizens' Complaint has resulted in a criminal investigation conducted by a prosecutorial agency or a criminal prosecution for any of the parties, the records of the complaint shall not be placed in the public file until such time as the criminal charges have been resolved by a verdict in the trial court or the prosecutorial agencies involved in the investigation have notified the Police Commissioner that the criminal investigation is closed. Such records may however be provided, upon request, to the District Attorney, the police officer against whom the complaint is lodged, the complainant, and the victim if other than the complainant.
  - (4) In order to protect the privacy interests of all parties involved in the investigation, records or information obtained in the course of an investigation which would operate to the prejudice or impairment of a person's reputation or security, as provided in the Pennsylvania Right-to-Know Law, 65 P.S. 67.708(b), shall not be included in the investigative report or made available for public access under this Section. Such documents include, but are not limited to, medical and psychiatric records, information supplied to the police with an expectation of confidentiality, and other portions of the investigative file that the Police Commissioner determines must be kept confidential in order to protect

the integrity of the investigatory process. These documents shall be retained in a separate secure, non-public file.

- (5) All records maintained in the public files as described in Section 11(a) hereof shall be maintained for a period of five (5) years beyond the calendar year of the disposition of the complaint.

c. A copy of the final determination of the Police Commissioner shall be placed in the personnel file of the officer or officers involved, together with the findings and recommendations of the Board, if any. In those instances in which a complaint is terminated prior to a hearing, a copy of the complaint and final determination of the Police Commissioner shall be placed in the personnel file of the officer or officers involved.

d. The Police Department shall publish statistics semi-annually disclosing the number of complaints filed, the nature of the complaints, and their dispositions.

SECTION 12. The procedures provided in this Executive Order shall be in addition to and not in derogation of:

- a. The procedures provided for preservation of the rights of police officers pursuant to the Civil Service Regulations of the City of Philadelphia; and
- b. The responsibility of the Police Department to investigate crimes or refer cases to the proper authorities.

SECTION 13. If any section of this Order is declared to be unconstitutional or illegal, the remaining sections shall remain valid and unaffected.

SECTION 14. Executive Order No. 9-93 is hereby rescinded.

SECTION 15. This Executive Order shall be effective in sixty (60) days; provided that all preparatory steps, including those set forth in Sections 1(f) and 7(b), shall begin immediately.

6/24/11  
Date

  
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Michael A. Nutter  
Mayor