

2014 -2016 Review



Police Advisory
Commission

CITY OF PHILADELPHIA

ANNUAL REPORT



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REPORT FROM THE CHAIR

On behalf of the Philadelphia Police Advisory Commission staff and commissioners, I am pleased to report our 2014-16 accomplishments.

Open and transparent communication on issues affecting public safety is essential for supporting strong community relations. We are proud of our ongoing work of collecting and analyzing data on stop and frisk and officer involved shootings. We are also proud of our work at the community level. During the period covered by this report, the Commission has participated in more than 100 public events designed to foster mutual respect between Philadelphia's police and the citizenry.

I am pleased to recognize Mayor Kenney's renewed commitment to the Commission's mission to strengthen community relations. On Jan. 13, 2017, the Mayor issued Executive Order 2-17 recommitting to the ideals of openness, responsibility, and accountability established by the creation of the Commission.

The Commission has long recognized that true oversight must focus on policy changes and organizational reform. The new Executive Order focuses on the Commission's important role of investigating complaints of police policy, practice, or customs.

Importantly, because reports of alleged abuse of police authority may begin with a single case, the Executive Order retains the authority granted by Executive Order 8-93, which created the Commission, to review specific complaints or incidents of

misconduct against individual police officers. Mayor Kenney's executive order permits investigations of individual police misconduct to the "extent the Commission has reason to believe that they [individual complaints] are indicative of a policy practice or custom that needs to be addressed."

Executive Order 2-17 also enhances the Commission's civilian oversight role by assigning it the responsibilities of the Police Community Oversight Board established two years ago by Executive Order 1-15. These responsibilities include monitoring and assessing implementation of the recommendations made in both the President's Task Force on 21st Century Policing and the U.S. Department of Justice Office of Community Oriented Policing Services report, Collaborative Reform Initiative: An Assessment of Deadly Force and Practice in the Philadelphia Police Department.

In the year ahead, the Police Advisory Commission looks forward to continuing its commitment to policy review, community outreach, and investigations.

Respectfully submitted,

Ronda B. Goldfein, Esq.

Jan. 17, 2017

Police Oversight in Philadelphia & Post-Ferguson America

The August 9, 2014 shooting of Michael Brown by police in Ferguson, Missouri ¹ was a catalyst that ignited a movement that led to founding of Black Lives Matter and increased national attention to long-standing issues between police and communities of color across our nation.

In Philadelphia, the December 15, 2014 fatal shooting of Brandon Tate-Brown² placed a critical spotlight on the Philadelphia Police Department and demanded the department provide more public information on officer-involved shootings.

In March 2015, the Department of Justice's Office of Community-Oriented Policing Services released its initial report after a comprehensive assessment of shootings by Philadelphia police from 2007-2013:

"Through its 48 findings, the assessment identifies serious deficiencies in the department's use of force policies and training, including a failure to maintain a certified field training program; deficient, inconsistent supervision

and operational control of officer-involved shooting investigations and crime scenes; and oversight and accountability practices in need of improvement, the most notable being the need for the department to fully cooperate with the Police Advisory Commission."³

Ferguson also marked the eighth time since 2001 that the U.S. Justice Department required a subject police department to create a civilian review board.⁴ In May 2015, the President's Task Force 21st Century Report on Policing⁵ expanded the idea through its recommendation that "some form of civilian oversight of law enforcement is important in order to strengthen trust with the community. Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community"⁶

The functions of citizen review boards, auditors and others entities who conduct oversight of police have changed significantly since the Commission was created in 1993.

The functions of citizen review boards, auditors and others entities who conduct oversight of police have changed significantly since the Commission was created in 1993. In our experience, the focus has shifted from individual complaints to policy issues, training and organizational reforms involving police (mental health, language access, mediation etc.). This has been echoed by other oversight agencies in Washington DC, New York, Florida and California. Second and third generation police oversight agencies, auditors and ombudsmen have begun undertaking policy initiatives as a result of pressure from constituent groups, lawmakers and a realization that significant institutional changes in policing will not occur by a singular focus on individual misconduct.

The authority granted to police oversight agencies varies greatly around the US, from boards and commissions with the power to compel police testimony and subpoena records and documents, to auditors and ombudsmen who concentrate on policy reviews and analysis of investigations completed by subject police departments. Most police oversight organizations fall into one of three categories, or in some instances combine elements of these basic models:⁷

Investigation-focused Model: The investigation-focused agency operates separately from the local law enforcement department. While the structure varies between jurisdictions, they all have the ability to conduct independent investigations of allegations of misconduct against police officers.

Review-focused Model: Review focused agencies examine the fidelity of internal investigations, primarily those done by internal affairs departments. These agencies tend to manifest in the form of commissions or volunteer boards with the purpose of providing citizen input into the internal investigations process.

Auditor/Monitor-focused Model: This is one of the newest oversight models. Established in the 1990s, it is a model that seeks to satisfy both police and community concerns about bias and professionalism. These agencies tend to focus on exploring the patterns in complaints, not only through internal affairs, but other law enforcement records with the goal of making recommendations to reform policies and practices within the department.

Oversight bodies like the Commission often combine elements from these basic models, and may also: 1) recommend changes in department policies and procedures; 2) suggest improvements in training; 3) implement a mediation program; or 4) assist with the operation of an early warning system to identify problems.⁸



WHAT ARE THE KEY ELEMENTS OF A SUCCESSFUL OVERSIGHT AGENCY?

A recent study of civilian oversight agencies in the US by the Office of Justice Programs highlighted the following⁹

1. Independence
2. Adequate jurisdictional authority
3. Unfettered access to records
4. Full cooperation
5. Access to law enforcement executives and internal affairs staff
6. Support of process stakeholders
7. Adequate resources
8. Public reporting/transparency
9. Use of statistical pattern analysis
10. Community outreach
11. Community involvement
12. Respect for confidentiality

BUDGET & RESOURCES

Since it was established in 1993, the Police Advisory Commission has had historical challenges with resources, both financial, staffing, as well as political will. As the civilian oversight agency of the nation's 4th largest police department, it is critical that the commission has all sufficient resources to be efficient and effective.

However, at the printing of this report, the Commission is in the process of a strategic realignment, a new commissioner on-boarding process, as well as has an open search for a new permanent executive director. The FY 2017 budget for the department was \$248,000, the FY 2018 budget has increased to \$302,056. In addition to a budget increase, the commission has been actively collaborating with community partners and internal agencies to leverage resources.

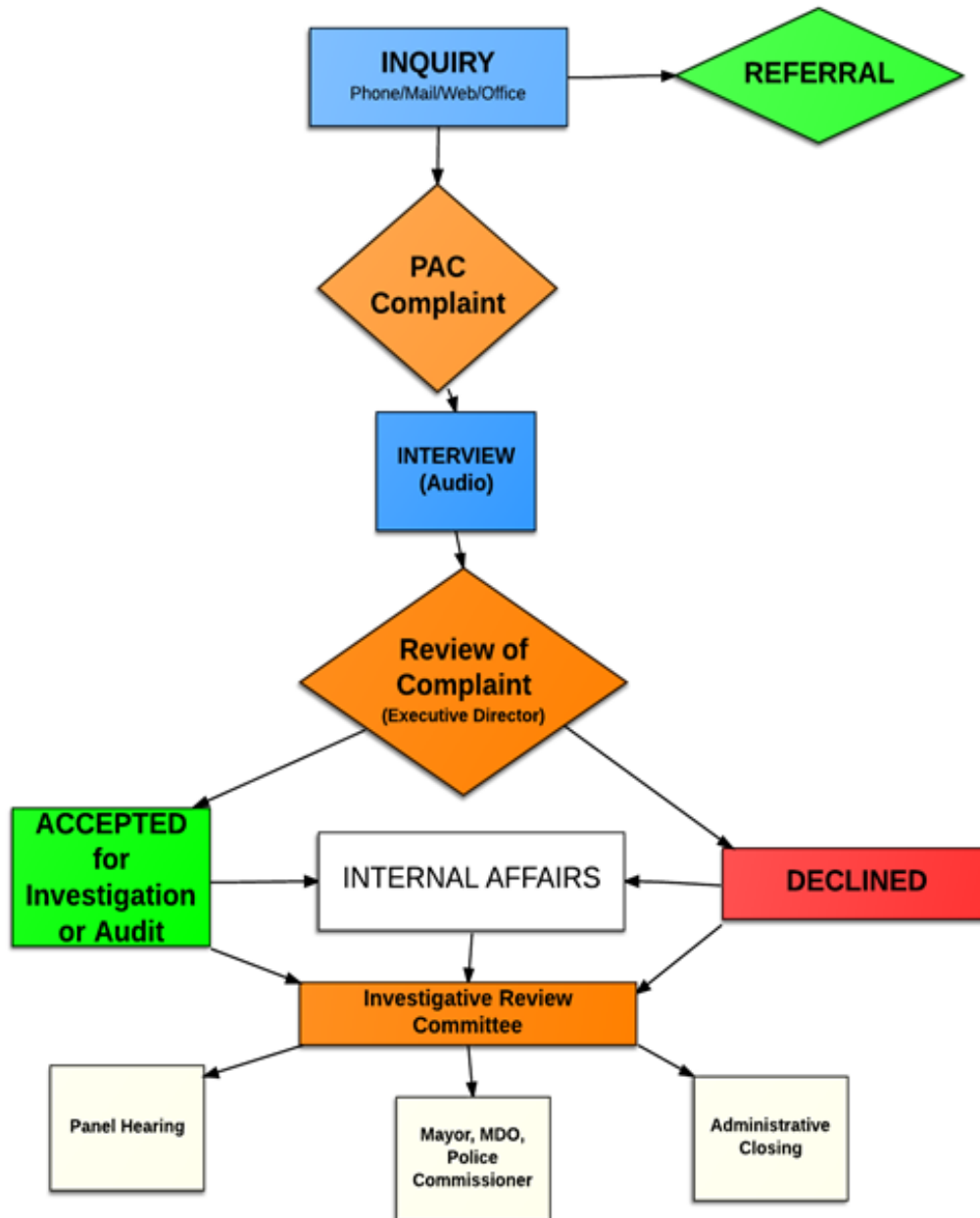
With the new executive order the commission, as well as Mayor Kenney's and Commissioner Ross' commitment to justice reform defined by the 21st Century Policing Task Force, the department is faced with diversifying its operations to keep pace with complaint/incident trend analysis, policy recommendations, and public engagement around police-community relations issues. In order to bring this to fruition, the department must expand and will require additional investments.

OUR MISSION

The Police Advisory Commission is the official civilian oversight agency of the City of Philadelphia for the Philadelphia Police Department. Our mission is to improve the relationship between the police department and the community, by representing the external point of view of the Philadelphia citizenry. The Commission is reauthorized by Executive Order 2-17¹⁰ 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.

As we enter 2017, the Commission is creating a framework to analyze, evaluate and systematically review officer-involved shootings, stop & frisk data, the police disciplinary system, recruitment, training and retention of personnel that informs the public, holds police accountable, and provides useful input for policy makers and law enforcement leadership.

THE COMPLAINT PROCESS





PUBLIC CASE SUMMARIES

Complaint Investigations: The Commission received thirty-six (36) citizen complaints in 2016, and nineteen (19) were accepted for full investigation. The Commission's three investigators had 102 and 19 open investigations from 2013-2015. The Commission completed ten (10) cases in 2016.

#15-005

W/M 30 Yrs., PHL Airport. Complainant alleges that while at the Philadelphia Airport picking up someone he was approached by an officer because he was in the wrong lane for pedestrian pick up. The officer began shouting and demanding to see his license, registration, and insurance. The officer then opened his car door, sat in the driver's seat and took the keys out of the ignition. The officer then went inside and wrote two tickets.

PAC investigation could neither confirm nor deny the allegation made against the officer and neither could IAD. At best, it would be more accurate if the allegation had been NOT SUSTAINED.

IAD investigation of the complaint EXONERATED the officer.

#15-008

B/M 28 Yrs., 15th District. This is an investigation of police misconduct regarding abuse of authority during a vehicle stop. The complainant alleges P/O #1 and P/O #2 profiled him by conducting a vehicle stop without probable cause or reasonable suspicion of illegal activity or traffic violation. The complainant further alleges the reason for the stop was a false pretense since P/O #1 falsely stated his tail light was out and the vehicle was illegally tinted.

PAC investigation finds that the allegation of 1) Lack of Service is Sustained. Although it may have happened unintentionally and due to miscommunication, no supervisor showed up. The Officer should have either a) stayed or b) followed up until it was verified that a supervisor showed up at the scene of the incident.

PAC investigation finds that the allegation of 2) Harassment is Not Sustained. There is no record by the complainant of another incident of this type of complaint involving either of the target/subject Officers against the complainant or another complainant under similar circumstances.

PAC investigation finds that the allegation of 3) Profiling/Targeting is Not Sustained. There is no independent evidence to prove or disprove P/O #1 or P/O #2 profiled him since there are no records of similar stops indicating a pattern by these Officers. PAC investigation finds that the allegation of 4) Illegal Stop is Not Sustained. There is not enough evidence to prove or disprove the stop was illegal.

IAD investigation finds this complaint UNFOUNDED.

#15-009

B/F 54Yrs., 19th District. Complainant alleges she received a call from her son about strange man sitting on their steps when he arrived home from school. After he went inside, the stranger was sitting in the chair on their patio. She called 911 and told them the situation at her home. She answered several questions and requested that an officer be sent to her home to be sure her son was safe. The 911 operator stated that she would dispatch an officer and asked if the child could call and give a description of the man. When she arrived home about 25 minutes later, the man was still there and the police had not arrived. About 8 p.m. the police arrived asking if someone called the police. She asked why it took so long for them to come and they stated they had just received the dispatch.

PAC investigation agrees that the time lapse between the original 911 call and the time the police arrived was indeed too long. The concern of the complainant for this time lapsed is certainly not UNFOUNDED. The difference between when the 911 operator stated she was dispatching the police and when it occurred, according to the officer, do not match. A closer study of how often this occurs should be considered to determine if there is a pattern.

IAD investigation found the complaint was UNFOUNDED.

#15-011

B/M 50Yrs., 2nd District. This investigation was an abuse of authority complaint regarding an allegation of improper search and arrest. PAC investigation located no new witnesses. PAC investigation relied on existing records and statements only. There was no video evidence either. The complainant is challenging the sequence of events to question the search and legitimacy of the arrest.

PAC Investigation finds that there is not sufficient evidence to prove the complaint allegations of abuse of authority for improper search. After a review of documentary evidence, such as reports and custody logs, we have found no evidence to support a false or improper arrest. Further, the only civilian witness, the complainant's wife, said in her statement that police arrived at her home the morning of Nov. 28, 2006 and showed her a warrant. She also stated the police returned and arrested her husband on Nov. 28, 2006, and did not return on Nov. 29, 2006. However, the Warrant was signed and issued on Nov. 28, 2006 at 10:11 p.m. in plenty of time to be served on the morning of Nov. 29, 2006 as police reports state. The police incident report shows the arrest was on Nov. 29, 2006 at 7:15 a.m. The Police Medical Detainee checklist report shows the complainant was interviewed medically on Nov. 29, 2006 at 9:12 a.m. Police prisoner log shows the complainant was signed in on Nov. 29, 2006 at 9:29 a.m.

PAC investigation finds insufficient evidence to prove the complaint allegations of abuse of authority for improper arrest. All of the above documentary evidence was reviewed and there was no evidence of an improper arrest. On Oct. 25, 2006, the complainant was observed by narcotics officers fleeing on foot from the scene of a crime following police observance of a drug transaction he participated in. The police property receipts included evidence found at scene that incriminated the complainant. Among the items found at the scene were his vehicle and driver's license. Once further investigation located the complainant, a warrant was prepared. The evidence mentioned earlier in this conclusion supports the police interview statements that the warrant was served. Therefore, the arrest was legal and proper. All court proceedings to date support the police search and arrest were valid.

PAC investigation further finds that body cameras and video cameras at the scene, as well as video at the district and police detaining locations could provide valuable evidence and further reduce liability from civil lawsuits.

#15-016

B/M 53Yrs., 6th District. Complainant alleges that the Police used excessive force by pushing him against the window of a retail store and kicking him in the buttocks during a pedestrian stop.

PAC investigation finds although excessive force cannot be proved beyond a reasonable doubt, the preponderance of evidence indicates both Officers more likely than not used excessive force and would benefit from further scenario and tactical training for safety to both citizens and the police officers. Det. #1 who kicked the complainant 1) did not employ tactics that would be considered part of best practices. 2) There is no evidence that Det. #1 issued any command for the complainant not to reach toward the ground. P/O #1 by his own admission was distracted and so could not exonerate Det. #1 of using excessive force or giving the command not to reach toward the ground. Further, P/O #1 should not have turned his attention away from the suspect's actions for safety reasons. P/O #1 more likely than not did use more force than necessary, based on the testimony of two independent witnesses versus his denial. Additionally, P/O #1 gave conflicting statements when he said he did not force the complainant to place his hands against the storefront, but commanded the complainant to place his hands against the store front. Then later during his statement P/O #1 states that he placed the complainant's hands against the store front.

IAD investigation did NOT SUSTAIN this complaint for excessive use of force. IAD did SUSTAIN departmental violations against Det. #1 for failure to complete a use of force report.

#15-017

W/M 48Yrs., 3rd District. Complainant alleges that on May 11, 2015 at approximately 10:30 a.m. he tried to report the theft of his bike. In response, he claims he was treated with unprofessional behavior, lack of service and excessive force. He claims he was falsely arrested and that his phone, debit card, and wedding ring were illegally seized and he was not given a property receipt.

PAC investigation finds the complaint of Physical Abuse is NOT SUSTAINED. The preponderance of evidence suggests the complainant was creating a disturbance, making threats and not physically abused during his arrest. Police witnesses of complainant's behavior on other occasions gives credibility that he may have given the perception of threatening Sgt. #1. Evidence of his hostility toward police includes a video of an exchange with Sgt. #2 at a Wells Fargo Bank.

PAC investigation finds the complaint of unprofessional behavior and lack of service is SUSTAINED. The preponderance of evidence suggests that complainant did not receive proper service, since his bike theft report should have been taken, and he was not allowed to sign a property receipt as per departmental policy. Although there are two police witnesses, they did not observe or recall the complainant's exchange with Officers when he requested to file a bike theft report. Also, there are no civilian witnesses or video evidence that would exonerate or accuse the targets.

IAD investigation found the allegations UNFOUNDED of physical abuse. IAD investigation SUSTAINED Departmental Violations for failure to take proper custody of property and lack of service for not taking the bike theft report at the 3rd District.

#15-023

W/F 41Yrs. 25th District. Abuse of Authority by unprofessional conduct and failure to investigate during a rape investigation. Complainant alleged P/O #1 treated her unprofessionally during and following her victim statement by: 1) not allowing complainant to correct her written statement and telling her that a correction did not matter and 2) stating to complainant, "it wasn't worth the time and effort to report the rape") and 3) failing to investigate by not interviewing the suspected rapist. PAC investigation finds that it cannot be proved or disproved that P/O #1 behaved unprofessionally by not allowing the complainant to correct her statement since P/O #1 denies the allegation and there are no first hand independent witnesses to prove or disprove the allegation.

PAC investigation finds that it cannot be proved or disproved that P/O #1 behaved unprofessionally by telling complainant "it wasn't worth the time and effort to report the rape" since P/O #1 denies the allegation and there are no first hand independent witnesses.

PAC investigation finds that P/O #1 did not violate existing policy for failure to investigate by not interviewing the accused rapist, because the policy leaves interviewing to the discretion of the investigator. However, PAC finds the failure to interview the suspect a questionable policy, and one appropriate for review: 1) to determine if current investigative practices and practices regarding interview of victims, suspects, and witnesses are in line with best practices and 2) to consider recommendations to improve current policy and procedures related to SVU investigations.

IAD investigation did not sustain this complaint.

#15-026

B/M 20Yrs., 19th District. This is an investigation of police misconduct regarding abuse of authority, unprofessional behavior, excessive use of force, an illegal search of a vehicle, a failure to make reasonable attempts to de-escalate the situation and insubordination to a supervisor. **PAC investigation finds that the allegation that P/O #1 and P/O #2 abused their authority by unprofessional behavior and an excessive use of force are SUSTAINED by a preponderance of the evidence. PAC investigation further finds the search of the vehicle was an illegal and improper search without consent or implied consent.** The Officers did not ask permission to search the vehicle, nor is a broken headlight probable cause for a search. Additionally, PAC finds that both Officers were insubordinate when Sgt. #1 gave them clear direction and tried to de-escalate the vehicle stop. **PAC finds both Officers need de-escalation training.** Any training they previously had has been forgotten or ignored. PAC further finds that Sgt. #1 should be commended for his efforts to de-escalate the incident and require the Officers to stand down from an unnecessary arrest.

In this case, the P/O #1 and P/O #2 most likely escalated the incident beyond what was necessary for their own and public safety. They most likely behaved unprofessionally and nearly turned a traffic stop of a stranded motorist into an unnecessary arrest. They most likely conducted an unconstitutional search by entering the complainant's vehicle without the owner's permission and very questionable grounds for probable cause or even reasonable suspicion. They also appeared insubordinate to the initial orders of Sgt. #1, who showed much restraint and understanding of the situation. They most likely profiled the complainant. In this incident, while it is true that the headlight was out, and the Officers by the letter of the law are within their rights to issue a ticket the evidence suggest they applied the law in an abusive way. Had they investigated they would have found a pot hole not far from where the complainant parked and the flat tire supports the reasonable explanation that the complainant was pulled over from a road hazard accident. Also the vehicle was parked near the complainant's home, lending credibility to the complainant's version of what occurred. If state troopers applied the law the way P/O #1 and P/O #2 did they would issue tickets every time someone pulled over for a flat tire and had a headlight go out. They showed no concern for the citizen's plight, but instead added to his burden.

IAD did NOT SUSTAIN this complaint.

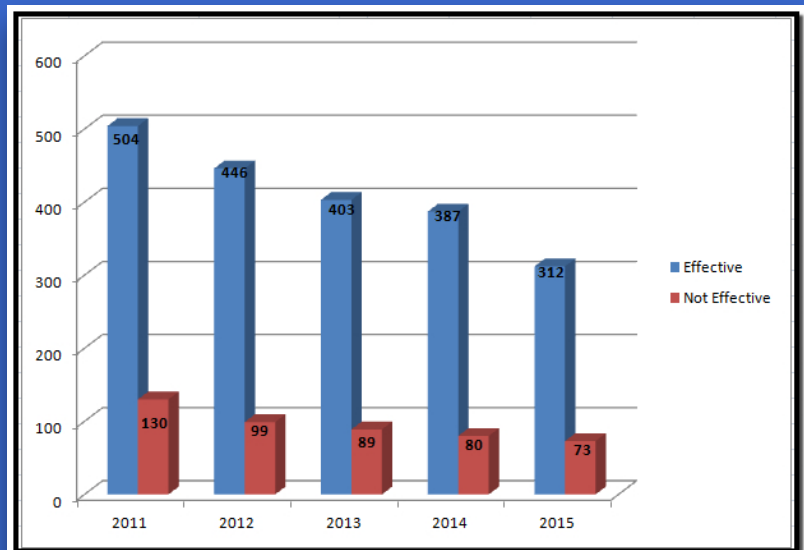
PAC investigation notes that IAD is within its right to confine its conclusions within PPD current disciplinary code, while PAC considers whether an injustice may have occurred, whether best practices were followed, and whether further training may be warranted so that recommendations may be considered by PAC Commissioners to improve policing for public and police officer safety.

Audited Investigations: The Commission routinely audits cases not accepted for full investigation, which involves a review of final Internal Affairs reports by staff and the board’s investigative review committee, to insure the thoroughness of investigations and the appropriateness of outcomes. In 2016, 25 complaints filed directly with the commission were accepted as audits.

#15-001 W/F 41Yrs., 25th District. This complaint started as an audit and was closed and reopened as a full investigation. See #15-023 Complaint Investigations

#15-003 B/M, 29Yrs., 7th District. Complaint alleges that while he was checking his apartment for some damage to the door, police arrived and banged on his door. Complainant presented his identification to the officers showing that he lived there. The officers said they received a call about a robbery in progress. The officers then told him he was being locked up despite being in his underwear. They refused to allow him to get dressed. The officers then grabbed him and everyone fell to the ground during a struggle ending up in the hallway, he then got up and went toward a camera in the hallway. The officers followed him and tackled him to the ground, causing him to fall down the stairs. The officers then began to use their batons and also tased him twice. **PAC investigation did not determine if the complainant had legal residence at the location where police encountered him, or if it was a previous address where he was trying to illegally gain access. His resisting arrest and struggle with police are recorded from a hallway camera and included in the evidence he provided. In regard to the use of the taser and how many times it was deployed, PAC believes a closer look at taser use is highly recommended. The investigation of the IAD complaint is still awaiting Internal Affairs finding.**

TASER/ECW use in the PPD - In April 2016, we have began collecting information regarding the PPD’s use of Electronic Control Weapons, which has decreased significantly over the last 5 years. Note that approximately 81% of Taser deployments in this period were described as effective, and 19% are described as “ineffective”



TASER Deployment in the PPD 2011-2015 (Source: IAPro)

#15-007 Mixed-race/F 23 Yrs., 24th District. Female alleges that Police failed to provide service during alleged illegal eviction during a tenant landlord dispute.

Further actions recommended for this IAD investigation:

1) Community Relations Officer should ask whether P/O #1 received any phone calls, emails, text or other correspondence from the complainant and whether she responded to any of these. P/O #1 was asked "Did you have any contact with the Female about her problem with the landlord." That question is too vague and could be interpreted by the P/O as only asking if she had physical contact or was in the complainant's physical presence. It led to a vague response "No" which is also open to interpretation. There should have been more follow up questions after the P/O #1 responded "No".

2) Attempt to collect the emails and any audio voicemail of P/O #1 from the date of the incident through the opening of this complaint to determine if complainant made any attempt to contact P/O #1 as alleged.

PAC audit finds this investigation was incomplete due to lack of thorough interview of P/O #1

#15-010 W/F, 26 YRs., 3rd District. Complainant alleges she was having an argument with her boyfriend and police were called. When they arrived, she was upstairs naked in her bedroom but officers forced their way into her room. Once in her room she alleges they began to bash her head with handcuffs and broke her hand. **PAC AUDIT concurs with the finding of IAD regarding this complaint. A civilian witness to the incident corroborates the officer's account of events. The Use of Force report prepared by the officers outlined the degree of force and circumstances surrounding the events that took place. The IAD investigation of the complaint EXONERATED both officers, the W/F was struck by one of the officers with a closed fist because she had one of the officers fingers in her mouth and would not let go. The other officer describes his attempt to reach his ASP and OC spray but could only reach his handcuffs, as a result he struck her with his closed fist and handcuffs three or four times in the face and head area at which time she released his finger from her mouth. The officer prepared a Use of Force report , PPD #22, V.C.4 states in unusual circumstances an officer is justified to use another object in place of the baton/ASP or OC Spray.**

#15-013 B/M 32 Yrs. 17th District. Complainant alleges he was stopped for not having his headlights on after dark. He maintains the vehicle is equipped with properly working daytime running lights and the headlights automatically activate after sunset. He was not issued a citation for the violation, but feels he was stopped because of his race.

The complaint **EXONERATED** the officers, the vehicle did not have automatic headlights. Driver is required to turn them on. There was no indication the officers stopped him solely based on his race.

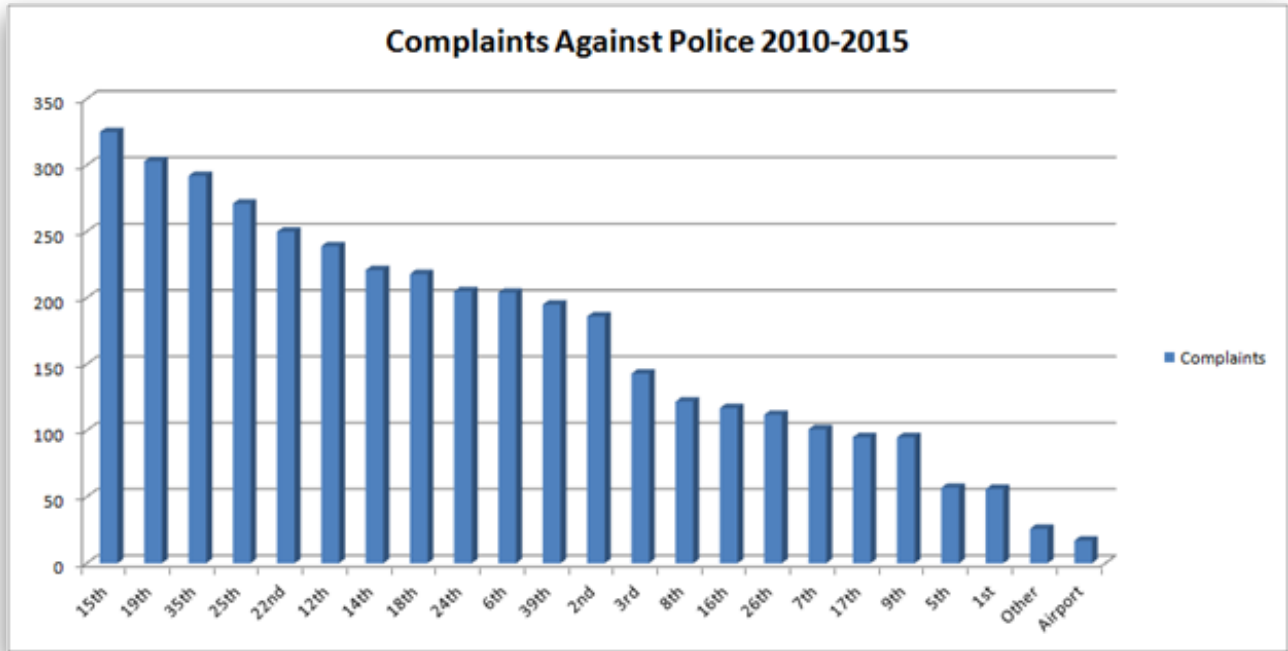
#15-014 B/M 50Yrs., 22nd District. Complainant alleges that Officer pushed him, used excessive force and improperly handled Complainant's gun by laying or throwing on porch floor after seizing it, instead of returning it in a safe professional manner.

IAD investigation did NOT SUSTAIN this complaint because current policy does not prohibit how the P/O seized the Complainant's firearm or how he returned the firearm. PAC Audit recommends a Policy Review since the actions of the Officer appeared unsafe for the citizen and the Officer. IAD investigator stated there is no written policy for securing and returning a legal firearm to owner after the Officer seizes and investigates firearm possession

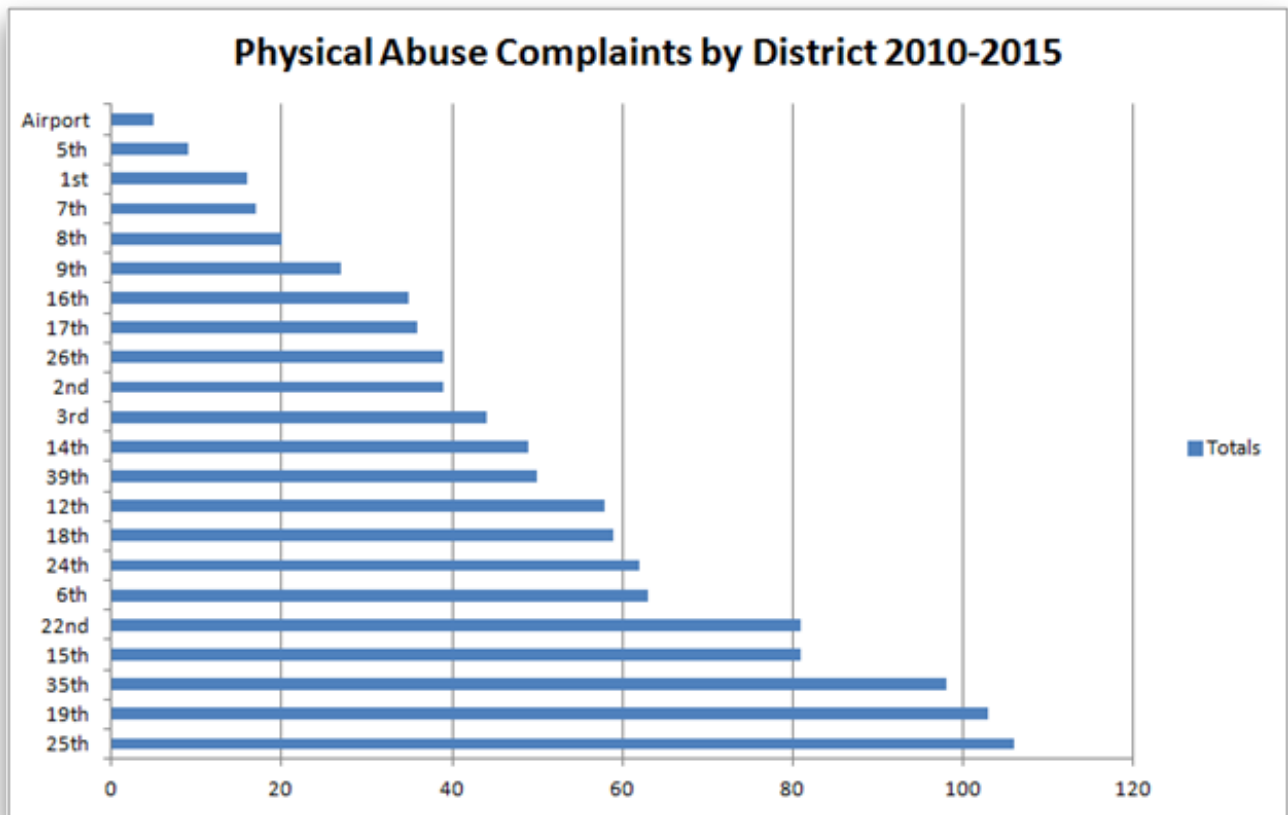
#15-027 B/F 54Yrs, 16th District Complainant alleges that 3 Officers used excessive force by pointing a gun to her head during a search of her residence following a call for burglary by neighbor. She further alleges that police harassed her when police responded to bogus burglary complaint by the same neighbor in same building, after she moved to another apartment. **PAC investigation finds all of the allegations made were identified and addressed appropriately.** IAD investigator sent letters to witnesses who failed to cooperate. Investigator searched logs and other police documents and records. However no Officers were identified. They followed up on leads provided by PAC with negative results. They interviewed one Peripheral Officer also with negative results and no new leads. IAD Investigator reviewed complainant's journal which provided no new leads. **IAD investigation did NOT SUSTAIN this complaint. PAC audit investigation concurs with IAD investigation findings.**

#15-031 W/M 38 Yrs. 18th District. Complainant alleges he was locked out of his apartment due to the actions of the P/Os who came to his home after a disagreement with his ex-girlfriend. The P/Os told him he had to allow his ex-girlfriend back into the apartment to retrieve her things. The police asked him to leave while she did so and return in two hours. When he returned he found all his belongings outside on the front porch and the police were gone. When he attempted to re enter the apartment a representative of the landlord told him he no longer had access and the locks were being changed. **PAC investigation concurs with the IAD findings regarding this complaint.**

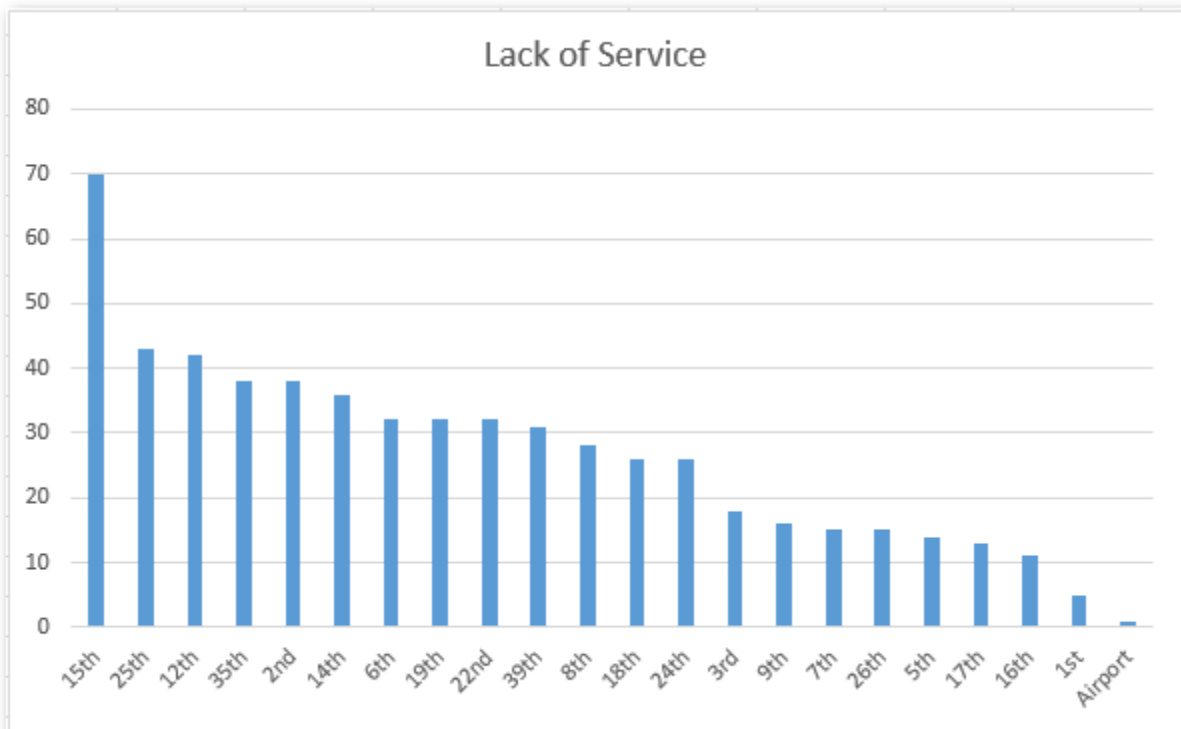
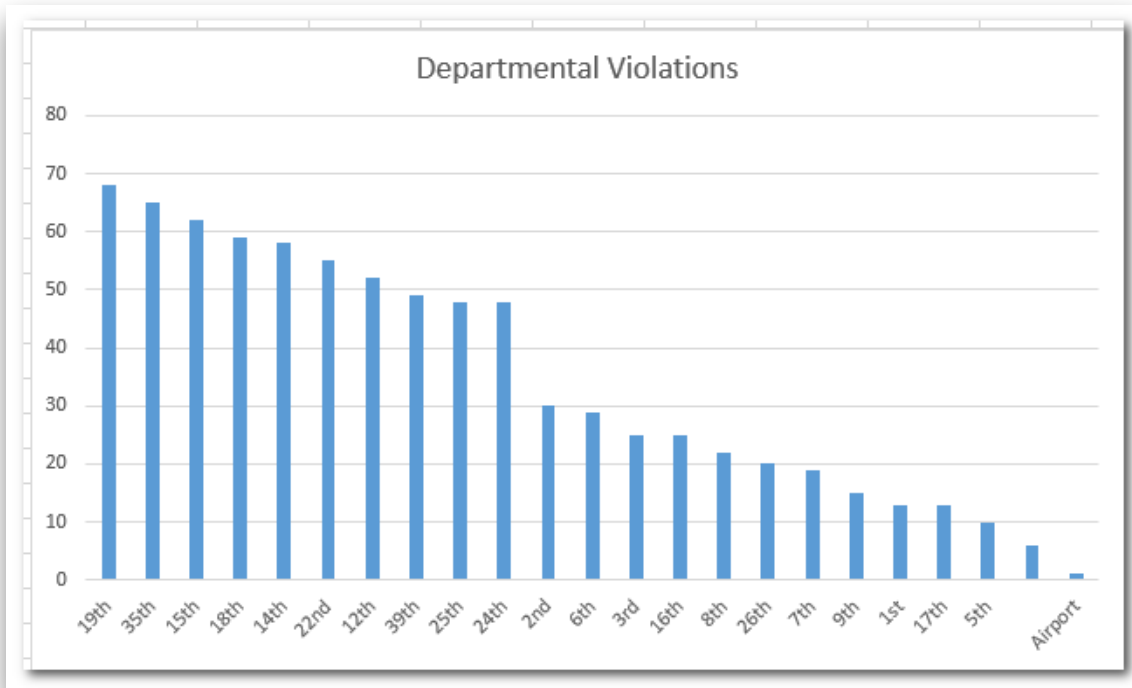
The investigation EXONERATED the officer of failing to provide service

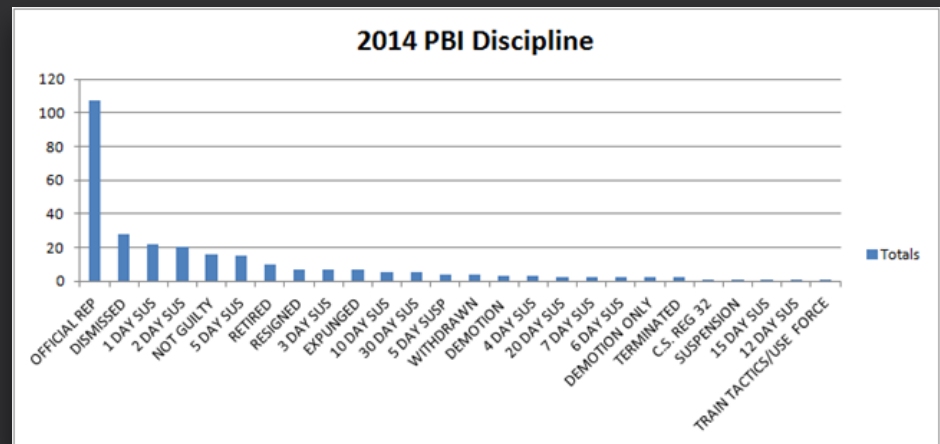
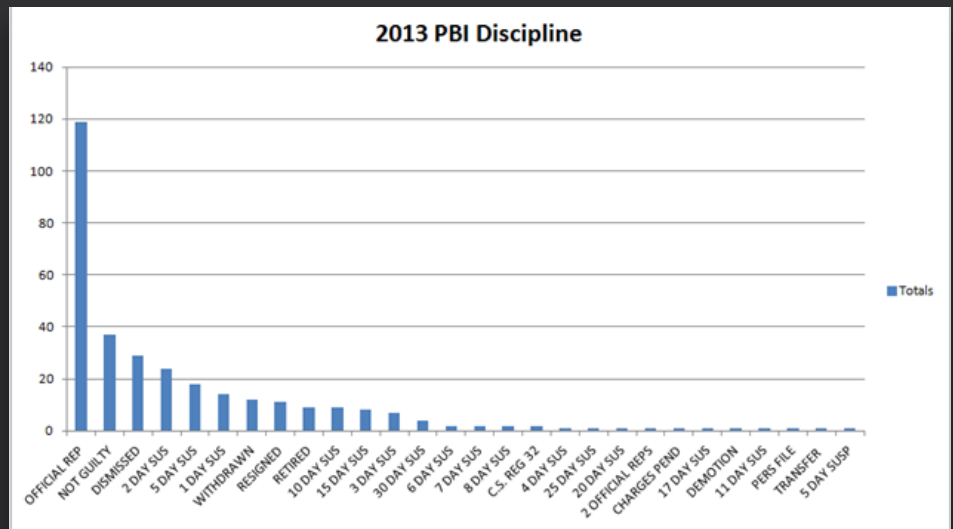
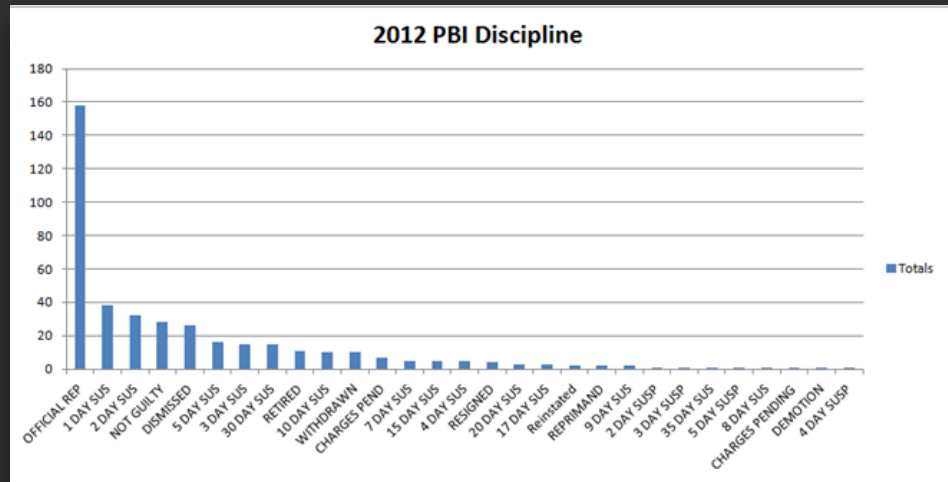


The chart above shows the number of citizen complaints filed against Philadelphia Police officers between January 2010 and June 2015.¹¹

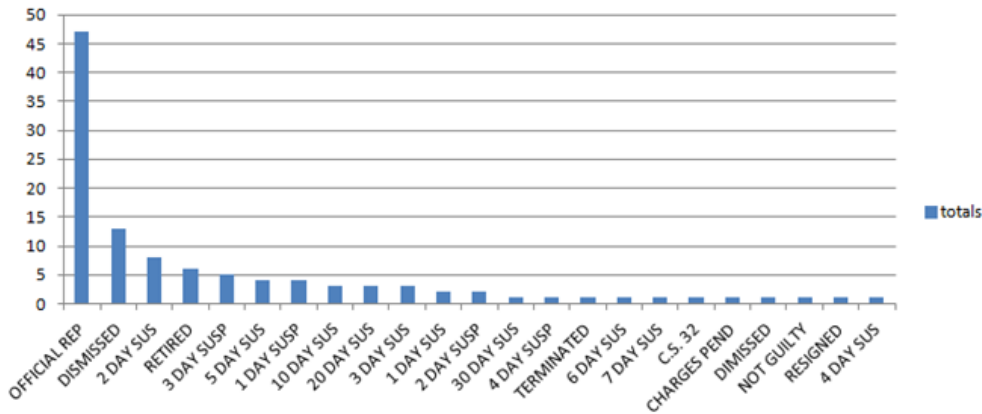


This chart shows the number of complaints alleging physical abuse, which is the most prevalent complaint. The same five districts show the highest number of complaints in other categories (15th, 19th, 22nd, 25th, 35th).





2015 PBI Discipline



PBI PUBLIC HEARINGS ON CITIZEN COMPLAINTS HIDDEN FROM VIEW

Executive Order 7-11 and its predecessor Executive Order 9-93¹³ specify that Police Board of Inquiry hearings related to citizen complaints are public. However, there are no stated regulations regarding the use of recording devices by those who attend PBI hearings, and the police department does not provide public notice of the hearings, the cases under review or summaries of their outcomes. Philadelphia Police Directive 8.6¹⁴, which spells out the details of Disciplinary Procedures, is silent on the question of public access to hearings and recordings.



COMMUNITY MEETINGS, OUTREACH AND MEDIA EVENTS

JANUARY	<p>1/5/15 NACOLE Website & Digital Media Committee Meeting</p> <p>1/22/15 "Weekend of Peace", Planning Meeting</p> <p>1/22/15 PAC Workshop at R.I.S.E. - "Ten Rules for Dealing with the Police"</p> <p>1/30/15 PCHR/PAC Town Hall - "Post President Task Force Meeting"</p>
FEBRUARY	<p>2/5/15 "Weekend Of Peace" Meeting</p> <p>2/6/15 Fourth Grade Social Service Project – Dir. Anderson, Speaker (Kipp Philadelphia Elementary Academy)</p> <p>2/10/15 Real Justice Coalition Meeting with Dir. Anderson</p> <p>2/11/15 "Philly After Ferguson", Town Hall Meeting</p> <p>2/19/15 PCHR Task Force Meeting</p> <p>2/23/15 PAC Commission Meeting</p> <p>2/24/15 Drexel Law Forum/Town Hall Event</p> <p>2/25/15 S.A.L.E.A. Spanish American Law Enforcement Association (SALEA), "Fallen Officers Fundraiser"</p> <p>2/25/15 PPD Officers Meeting</p> <p>2/26/15 Rutgers Law School – Dir. Anderson, Speaker (Professor Rick's Class)</p>
MARCH	<p>3/9/15 "Weekend of Peace" Meeting</p> <p>3/10/15 Philadelphia Association of Black Journalists, (PABJ) – Dir. Anderson, Speaker (CBS Broadcast Center)</p> <p>3/16/15 PAC Commission Meeting</p> <p>3/18/15 PAC Workshop at R.I.S.E. – "Ten Rules for Dealing with the Police"</p> <p>3/19/15 Town Hall Meeting (Lawncrest)</p> <p>3/23/15 Department of Justice (DOJ) Report and Community Briefing 3/23/15 WURD, 900 AM; "Urban Insight", Interview w/ Dir. Anderson</p>
APRIL	<p>4/2/15 DOJ Assessment of Deadly Force In The Police Department (PAC & NAN to host event)</p> <p>4/2/15 National Action Network (NAN) Community Meeting (DOJ Report)</p> <p>4/8/15 "Deaf and Hard of Hearing" Update (Councilman O'Brien's Office)</p> <p>4/13/15 WURD, 900 AM; Interview w/ Dir. Anderson and Rev. Mark Tyler</p> <p>4/15/15 Philadelphia Youth Commission Meeting (Public Safety)</p> <p>4/15/15 Pac Workshop at R.I.S.E. – "Ten Rules for Dealing with the Police"</p> <p>4/16/15 CAC County Meeting</p>

MAY	<p>5/4/15 "Police & Youth Conversation & Basketball Event"</p> <p>5/4/15 Police-Youth Summit Planning Meeting w/ PPD</p> <p>5/11/15 NACOLE Website Digital Media Committee Meeting</p> <p>5/13/15 PAC visit to Thomas Mifflin Middle School – "Social Media Project" (Dir. Anderson, Speaker)</p>
JUNE	<p>6/3/15 "Securing Our Future: Youth-Community-Police Summit" (Pa. Convention Center)</p> <p>6/10/15 PAC Workshop at R.I.S.E. – "Ten Rules for Dealing with the Police"</p> <p>6/15/15 PAC Commission Meeting</p>
JULY	<p>7/8/15 PCOB Meeting</p> <p>7/9/15 "Securing Our Future – Next Steps" Event – Dir. Anderson, Presenter</p> <p>7/11/15 "Pedal for Peace" Community Event</p> <p>7/15/15 PAC Workshop at R.I.S.E. – "Ten Rules for Dealing with the Police"</p>
AUGUST	<p>8/3/15 "Speak Up; Lace 'Em Up" Meeting</p> <p>8/7/15 PCOB Meeting/Phone Conference</p> <p>8/8/15 "Speak Up; Lace 'Em Up" Meeting</p> <p>8/10/15 "Speak Up, Lace' Em Up" (Simons Recreation Center) 8/12/15 PCOB Training (Police</p>
SEPTEMBER	<p>9/4/15 PCOB Meeting/Phone Conference</p> <p>9/10/15 City Council Meeting for PAC</p> <p>9/11/15 Public Safety Committee Meeting</p> <p>9/12/15 2nd District PDAC Community Day (Bustleton & Bleigh Avenue)</p>
OCTOBER	<p>10/1/15 Citizens Advisory Committee for Probation & Parole Ceremony</p> <p>10/4/15-10/8/15 NACOLE Conference (Riverside, CA)</p> <p>10/9/15 PCOB Meeting</p> <p>10/12/15 Germantown Board Meeting</p> <p>10/14/15 NACOLE Board Meeting (Dir. Anderson, Elected Board Member)</p> <p>10/15/15 Department of Justice (DOJ) Meeting</p> <p>10/16/15 PCOB Meeting</p> <p>10/17/15 "Peace Makers" Workshop</p> <p>10/19/15 PAC Commission Meeting</p> <p>10/19/15 PAC Workshop at R.I.S.E. – "Ten Rules for Dealing with the Police"</p> <p>10/22/15 Community Planning Meeting w/ Pastor Zach Ritvalsky of Sweet Union Baptist Church</p> <p>10/23/15 PCOB Meeting</p> <p>10/27/15 Data & Civil Rights Event: A New Era in Policing and Justice – Dir. Anderson, Attended (Washington, D.C.)</p> <p>10/30/15 PCOB Meeting</p>

NOVEMBER	<p>11/2/15 PCOB Meeting</p> <p>11/3/15 Use Of Force Review Board, (UFRB) Meeting</p> <p>11/16/15 PAC Commission Meeting</p> <p>11/6/15 PCOB</p> <p>11/10/15 PHAB5 Meeting with DMC</p> <p>11/12/15 NACOLE Meeting</p> <p>11/12/05 PAC Workshop at R.I.S.E. – “Ten Rules For Dealing with the Police”</p> <p>11/13/15 PCOB Meeting</p> <p>11/16/15 PAC Commission Meeting</p> <p>11/17/15 WHY Y Forum on Police & Community Relations</p> <p>11/18/15 NACOLE Meeting</p> <p>11/20/15 PCOB Meeting/Phone Conference</p> <p>11/23/15 Police Community Oversight Board meeting</p>
DECEMBER	<p>12/4/15 NACOLE Symposium (Washington, D.C.)</p> <p>12/9/15 NACOLE Board Meeting/Phone Conference</p> <p>12/16/15 PAC Workshop at R.I.S.E. – “Ten Rules For Dealing with the Police”</p> <p>12/18/15 PCOB Meeting</p> <p>12/22/15 DOJ Interim Report, Collaborative Reform Initiative</p>

JANUARY	<p>1/05/16 Police Community Oversight Board Meeting</p> <p>1/13/16 NACOLE Board Meeting</p> <p>1/15/16 Black Law Students Dinner</p> <p>1/25/16 PAC Monthly Meeting</p> <p>1/26/16 Pittsburgh Citizen Police Review Board</p>
FEBRUARY	<p>2/2/16 Use of Force Review Board 2/10/16 Community Meeting/ Dir. Anderson, Panelist (Catalyst For a Change Church)</p> <p>2/11/16 5th grade class Police Brutality Project</p> <p>2/13/16 National Action Network Community Forum Re COPS Interim Report</p> <p>2/22/16 PAC Commission Meeting</p> <p>2/24/16 Presenter: Rutgers Law School Civil Rights Litigation Class</p> <p>2/24/16 Millennials in Action - Panelist</p>
MARCH	<p>3/1/16 Use of Force Review Board Meeting</p> <p>3/9/16 NACOLE Board Meeting</p> <p>3/16/16 Ferguson: One Year Later - UPenn Law School: Panelist</p> <p>3/16/16 PAC Workshop at R.I.S.E. - "Ten Rules for Dealing with the Police"</p> <p>3/21/16 PAC Monthly Meeting</p> <p>3/24/16 Rutgers Black Law Students Association - Panelist</p>
APRIL	<p>4/2/16 AELE Training - Las Vegas</p> <p>4/13/16 NACOLE Board Meeting</p> <p>4/13/16 PAC Workshop at R.I.S.E. - "Ten Rules for Dealing with the Police"</p> <p>4/18/16 PAC Monthly Meeting</p> <p>4/27/16 Oversight of Philadelphia Police Presentation: Strayer University</p> <p>4/29/16 Town Hall: Stop & Frisk</p>
MAY	<p>5/7/16 Presentation at Canadian Oversight of Law Enforcement Conference</p> <p>5/9/16 PAC Workshop at R.I.S.E. - "Ten Rules for Dealing with the Police"</p> <p>5/11/16 NACOLE Board Meeting</p> <p>5/16/16 Calvert County MD NACOLE Presentation</p> <p>5/16/16 PAC Monthly Meeting (Phone)</p>

JUNE	<p>6/7/16 UFRB Meeting</p> <p>6/8/16 KQED Interview re OIS Ballot measure in San Francisco, CA</p> <p>6/8/16 NACOLE Board Meeting</p> <p>6/9/16 CNA/DOJ Meeting</p> <p>6/13/16 PAC Workshop at R.I.S.E. – “Ten Rules for Dealing with the Police”</p> <p>6/14/16 NACOLE - Open Society/Baltimore Presentation</p> <p>6/16/16 The Rainbow Crossing: Police Accountability and the LGBTQ Community (NYC)</p> <p>6/20/16 PAC Commission Meeting</p> <p>6/24/16 Meeting with ACCT Director re Police and Dog shootings</p>
JULY	<p>7/11/16 PAC Workshop at R.I.S.E. – “Ten Rules for Dealing with the Police”</p> <p>7/12/16 Interview with students re Temple Police Brutality Project</p> <p>7/13/16 NACOLE Board Meeting</p> <p>7/18/16 PAC Monthly Meeting</p>
AUGUST	<p>8/2/16 Strategic Policing Initiative Collaborative - Lowell MA</p> <p>8/10/16 International Assoc. Of Human Rights Organizations - Panel on Policing</p> <p>8/15/16 PAC Workshop at R.I.S.E. – “Ten Rules for Dealing with the Police”</p>
SEPTEMBER	<p>9/6/16 UFRB Meeting</p> <p>9/12/16 PAC Workshop at R.I.S.E. – “Ten Rules for Dealing with the Police”</p> <p>9/15/16 Police/Community relations panel - Rep Leslie Acosta</p> <p>9/16/16 Congressional Black Caucus Forum on Policing - Panelist</p> <p>9/17/16 Lincoln University Presentation - 21st Century Task Force Report on Policing</p> <p>9/19/16 PAC Monthly Meeting</p>
OCTOBER	<p>10/11/16 PAC Workshop at R.I.S.E. – “Ten Rules for Dealing with the Police”</p> <p>10/12/16 NACOLE Board Meeting</p> <p>10/17/16 PAC Monthly Meeting</p> <p>10/22-10/24 AELE Training Las Vegas NV</p> <p>10/28/16 Villanova Law Review Norman J Shachoy Symposium - Panelist</p>
NOVEMBER	<p>11/7/16 PAC Workshop at R.I.S.E. – “Ten Rules for Dealing with the Police”</p> <p>11/9/16 NACOLE Board Meeting</p> <p>11/10/16 Meeting with Gov. Wolf’s staff Re HB 1538</p> <p>11/15/16 - 17th District - Operation Olive Branch Award</p>
DECEMBER	<p>12/12/16 PAC Workshop at R.I.S.E. – “Ten Rules for Dealing with the Police”</p>



STOP & FRISK (PEDESTRIAN & VEHICLE STOPS)

Stop & Frisk (Bailey v PPD) – On April 29th 2016, the Commission's executive director participated in a highly contentious townhall discussion at the New Vision United Methodist Church with several city officials, including Mayor Kenney, Police Commissioner Ross, and City Solicitor Sozi Tulante, and Mary Catherine Roper, Deputy Legal Director of the American Civil Liberties Union of Pennsylvania.¹⁵

Below are PAC's recommendations regarding the issues of pedestrian and vehicle stops:

- Pedestrian stops should be discussed in detail at monthly district captain's townhall and smaller PSA (Police Service Area) meetings. As a result of the Bailey case, there is a collaborative process between the ACLU and PPD commanders that should be more geographic specific. When district captains review stops in areas, data should be collected and shared specifying the corners where the stops occur, opposed to blanket citywide numbers, which is the department's current approach.
- Analysis of Complaints/Accountability: - We've identified approximately 200 CAPs (Complaints Against Police) from 2009 -2016 which are related to pedestrian and vehicle stops. The outcomes of these investigations, as well as the results of any Police Board of Inquiry Hearings or Command Level Disciplinary actions need to be made public in order to document efforts being made towards city's goal of decreasing illegal stops. Opening the data also allows the ability to highlight districts/units that are showing improvements in these areas.

PPD and the White House Police Data Initiative – On April 22, 2016, the Commission's executive director attended a meeting of police leaders, activists, data analysts, and other advocates in the White House Police Data Initiative. Also in attendance were Kevin Thomas - PPD Director of Research and Analysis, Paul Woodruff - Senior GIS Analyst for the PPD, Chief Data Officer - Tim Wisnewski, and Kistine Carolan - OIT Data Services Manager. The PPD is fully committed to the initiative, and released a dataset containing records of almost a million vehicle & pedestrian stops. With national issues so highly contested like Stop & Frisk, shootings, death in custody, etc., PPD leaders have stressed the importance of contributing the public dialogue in a way that allow them to frame their narrative on reform and policies with facts and data. The data release is contextualized with additional information from census records, information on where crime occurs throughout the city and how police have responded to those patterns.¹⁶

Philadelphia Police Department's Outlook towards 21st Century Policing

Crime vs Police Activity

Police presence should be visible where crime and victimization is highest. By sliding the bar in the center of the map, you can examine that the volume of police activity corresponds with the volume of crime in Philadelphia neighborhoods.

As noted previously, police officers are lawfully permitted to conduct investigatory stops of pedestrians and vehicles when reasonable suspicion is present. Despite common misconceptions, "Stop and Frisk" has never been a policy of the Philadelphia Police Department. PPD policy does not support random or arbitrary stops ([PPD Directive can be read here](#)).

Socio-economic Characteristics of the City

Crime does not occur in vacuum. Socio-economic characteristics of

Crime vs Car and Ped Stops (Year 2014-15)

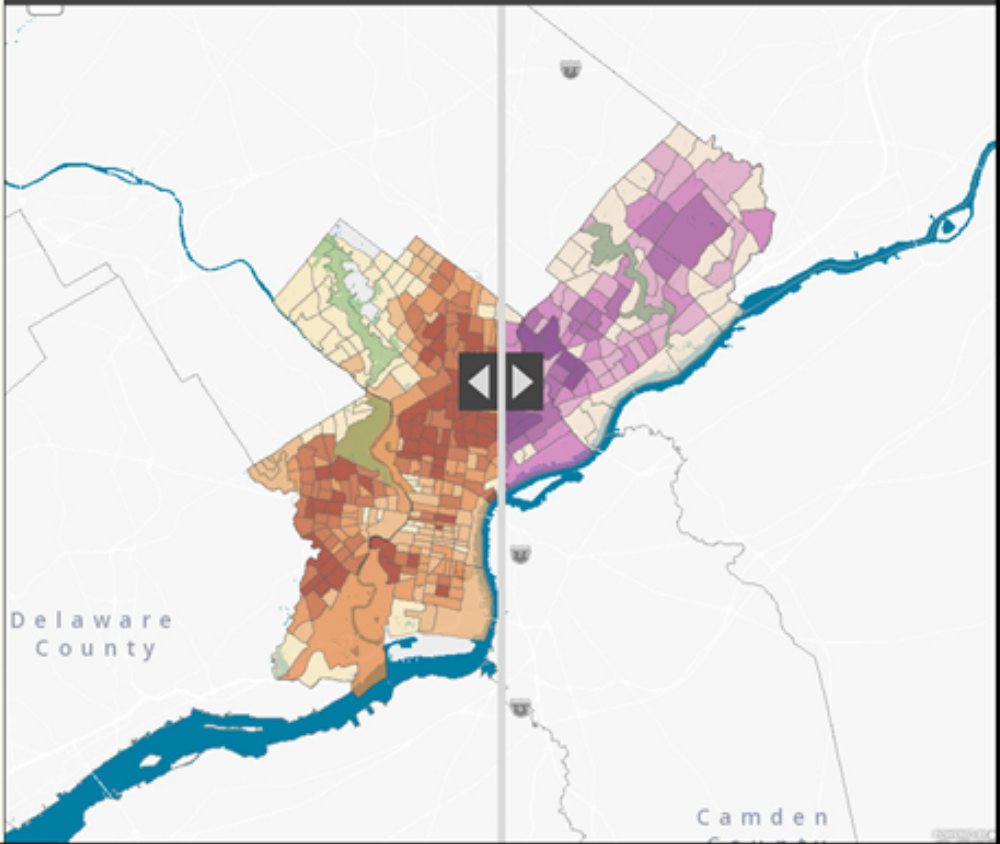
Violent Crime on left & Car and Ped Stops on right

HIDE INTRO

Legend

Map

Data



U.S. DEPARTMENT OF JUSTICE COLLABORATIVE REFORM MOVES INTO 2017

As the number of individuals killed by police steadily increased in 2013, former Philadelphia Police Commissioner Charles Ramsey requested that the U.S. Department of Justice Community-Oriented Policing Services Office conduct an assessment of Officer-involved shootings by Philadelphia Police known as “Collaborative Reform Review”¹⁷

The initial report, released in March 2015, contained 48 findings and 91 recommendations ranging from improvements in training, investigations and oversight by the Commission:

“Through its 48 findings, the assessment identifies serious deficiencies in the department’s use of force policies and training, including a failure to maintain a certified field training program; deficient, inconsistent supervision and operational control of officer involved shooting investigations and crime scenes; and oversight and accountability practices in need of improvement, the most notable being the need for the department to fully cooperate with the Police Advisory Commission. To address these issues, the report prescribes 91 recommendations to help the department improve with respect to the use of force and implement industry best practices. The COPS Office will work with the

Philadelphia Police Department over the next 18 months to help them implement these recommendations and will provide two progress reports during this time.”¹⁸

Police Department leadership and former Mayor Michael Nutter embraced the findings in the review, along with recommendations in the President’s Task Force on 21st Century Policing report¹⁹, chaired by former Commissioner Ramsey, as Philadelphia found itself at the center of national police reform

member of the newly-constituted Use of Force Review Board after changes to Directive. The six-month assessment report, released in December 2015 noted that:

“... the Philadelphia Police Department has made significant progress in implementing the recommendations. The department has made progress on 90 percent of the 91 recommendations (21 recommendations are complete, 1 is partially complete, 60 are in progress and the department will start work on the remaining 9).



efforts.

The department moved quickly to make changes in policy, training and investigations of police shootings.²⁰ Copies of shooting reports requested many years ago by PAC were provided. The PAC Executive Director became a voting

“The commendable success of the police department in implementing these recommendations is directly attributable to the outstanding leadership of Mayor Michael Nutter and Police Commissioner Charles Ramsey and reflects the commitment of the men and women who serve in the police



DOJ JUSTICE REFORM

department," said COPS Office Director Ronald Davis. "The efforts in Philadelphia, both in requesting collaborative reform and in implementing the recommendations provided, serve as a national model." ²¹

As we enter 2017, several important tasks associated with the collaborative reform effort remain. Efforts to reach an agreement with the Pennsylvania State Police to perform third-party external reviews of Officer-involved shootings derailed in 2016, though Commissioner Ross remains committed to the effort, according to a statement released by the department in October 2016:

"The collaborative reform has been very important and completing the various recommendations has been a priority for this department. The investigations surrounding officer involved shootings is one of the remaining measures that we are working to accomplish; however, the attempt to create a system with the PA State Police didn't come to fruition as originally suggested. The efforts to create this type of system faced a few challenges such as overcoming the collective bargaining issues raised by the union as well as some logistical issue for the State Police. Therefore, we are moving forward in pursuing other measures to create a bifurcated process within the department to investigate officer involved shootings. We are taking

aggressive steps toward creating this process and determining the best practices in completing this portion of the collaborative reform as it is one of the final, yet important recommendations for the department to complete."

As shootings and attacks on police officers have increased nationally and here in Philadelphia²², the commission also recognizes the need to provide additional data, analysis and discussion of the specific dangers faced by police as they patrol our city.

In November 2016, the Philadelphia District Attorney announced a new policy to provide public reports on the office's decisions in police shootings within 60 days, and the Philadelphia District Attorney's office has also reduced the number of days to investigate shootings from 100 in 2011, to less than 60 in 2016. The new policy in Philadelphia was announced a week before a similar effort by the Pennsylvania District Attorney's Association, who also offered new recommendations on Officer-involved shootings.

DEAF AND HARD-OF-HEARING CONSENT DECREE

On Dec. 7, the Philadelphia Police Department entered into a consent decree with the Department of Justice regarding treatment of Deaf and Hard-of-Hearing citizens. DOJ findings include:

1. Failing to take appropriate steps to ensure that communication with individuals with disabilities is as effective as communication with others;
2. Failing to provide auxiliary aids and services necessary to ensure effective communication with individuals who are deaf;
3. Failing to give primary consideration to an individual's requested auxiliary aid or service of choice and failing to provide an equally effective alternative;
4. Inappropriately relying on a crime victim to interpret for her deaf roommates;
5. Failing to sufficiently train PPD staff and officers on how to assess the need for and to secure auxiliary aids and services; and
6. Failing to notify the courts that detainees are deaf prior to video arraignments held at PPD facilities.

Remedial Measures include:

1. Ensure that appropriate auxiliary aids and services, including qualified interpreters, are made available when such aids and services are necessary to ensure effective communication with persons who are deaf or hard of hearing.
2. Contract with qualified interpreter agencies to ensure that qualified interpreting services will be available at any time to PPD on a priority basis.
3. Take appropriate steps to ensure that all PPD personnel having contact with individuals who are deaf or hard of hearing understand how to assess the need for and to secure auxiliary aids and services.
4. Provide notice to persons who are deaf or hard of hearing with whom PPD interacts of the availability of appropriate auxiliary aids and services, including qualified sign language interpreters.
5. Give primary consideration to the expressed preference for a particular auxiliary aid or service from an individual who is deaf or hard of hearing.
6. When handcuffing a person who is deaf or hard of hearing who uses ASL to communicate, PPD personnel will, safety permitting, handcuff the person in front to enable the person to better communicate using sign language or writing.
7. Provide telecommunication systems to individuals who are deaf or hard of hearing that are equally effective as those provided to individuals without disabilities.
8. Notify the court when detainees are deaf or hard of hearing with sufficient notice to ensure time for the provision of auxiliary aids or services for individuals who are deaf or hard of hearing.
9. Provide training to all PPD personnel who have contact with members of the public on PPD's effective communication obligations under the ADA.
10. Provide monetary relief to individuals aggrieved by PPD's violation of the ADA.

THE FOLLOWING CITIZEN COMPLAINTS FROM IAD HIGHLIGHT WHAT THE DEPARTMENT OF JUSTICE OBSERVED AND SPAWNED THE DOJ'S CONSENT DECREE

IAD #14-0511

Complaint: **Unprofessional Conduct, Abuse of Authority (Threat to Arrest)**

Status Update: **Completed** (AIRPORT, comp asked to move vehicle)

The investigator concluded that the **complaint cannot be sustained due to lack of evidence since there are no witnesses that testified against the target officer and/or cooperated.** Additionally, the officer denied behaving unprofessionally and threatening to arrest the complainant. The IA investigation focused on whether the complainant violated a traffic ordinance or not, whether issuing a ticket was warranted or not and whether it could be proven that the officer threatened the complainant or not. **IAD investigation did not address the matters of proper training and findings of DOJ consent decree. This complaint indicates current policy needs to be reviewed for adjustments needed to conform to best practices.**

IAD #14-0224

Complaint: **Physical Abuse (Shoving and pushing), Lack of Service during auto accident, no interpreter provided** (PPD officer responded to accident on I-95, no injuries, ended up sending job to PSP who covers I-95, how do they handle interpretation requests?)

Status Update: **Completed**

IAD investigation did not sustain this complaint for "Physical Abuse" and concluded the complaint of physical abuse was unfounded. The investigation also exonerated the target officer regarding the complaint of "Lack of Service". IA investigation focused on the intent of the officer to address a road hazard incident and the safety of the complainant and public. **IA investigation did not address the matters of proper training and findings of DOJ consent decree. This complaint indicates current policy needs to be reviewed for adjustments needed to conform to best practices.**

IAD #13-0658 (also PAC Complaint #13-050)

Complaint: **Unprofessional Conduct, Lack of Service for victim during burglary, no interpreter provided**

Status Update: **Completed**

IAD investigation sustained this complaint for "Unprofessional Conduct" and "Lack of Service" against one of two target Officers. PAC Audit concurred with IAD finding based on current PPD policy. IA investigation did not address the matters of proper training and findings of DOJ consent decree. **This complaint indicates current policy needs to be reviewed for adjustments needed to conform to best practices.**

AD #13-0500

Complaint: **Lack of Service, No Interpreter Provided, Improper Issuance of Ticket, Improper/Wrongfully Arrested**

Status Update: **Completed** IAD concluded the complaint of "Physical Abuse and Lack of Service" was Not Sustained. It should be of great concern to all involved that none of the officers were aware the complainant was deaf, it wasn't until he was at SVU that someone noticed he was deaf. **IA investigation did not address the matters of proper training and findings of DOJ consent decree. This complaint indicates current policy needs to be reviewed for adjustments needed to conform to best practices.**

IAD #13-0279

Complaint: Lack of Service for Victim of Rape, No Interpreter Provided

Status Update: Completed

IAD concluded the complaint of "Lack of Service" was "Unfounded" (Det requested interpreter, but none available) IA investigation did not address the matters of proper training and findings of DOJ consent decree. This complaint indicates current policy needs to be reviewed for adjustments needed to conform to best practices.

CONCLUSION

The lack of police use of interpretive services lies at the root of these complaints. PAC Commissioners should recommend a policy change, and/or a memorandum requirement for an interpreter and the procedures for filling that request and monitor implementation of new policy.

Note that Internal Affairs, to its credit, launched efforts to educate officers about Deaf and Hard-of-Hearing issues before the earliest case cited in this report.

NEXT STEPS

- 1. Arrange a forum or meeting with Deaf and Hard-of-Hearing community advocate organizations and Community Relations officers in all Districts.**
- 2. Outreach to other police departments, the Municipal Police Officer's Education and Training Commission (MPOETC)²⁴ and Deaf and Hard-of-Hearing communities in Pennsylvania to explore potential changes to the basic police curriculum.**

LEGISLATION

In late 2015, State Rep. Martina White introduced Pennsylvania House Bill 1538²⁵, which aimed at preventing the release of the names of officers involved in shootings within 72 hours. Former Commissioner Charles Ramsey put the policy in place as part of the collaborative reform review.



PROTECTING IDENTITIES OF POLICE OFFICERS UNDER INVESTIGATION PRESS CONFERENCE

IN OCTOBER 2016, THE BILL SAILED THROUGH THE PA HOUSE AND SENATE WITH LITTLE OPPOSITION, SAVE FOR A PASSIONATE OBJECTION BY STATE REP. JORDAN HARRIS:



November 4, 2016

The Honorable Tom Wolf
Governor
Commonwealth of Pennsylvania
508 Main Capitol Building
Harrisburg, PA 17120



Police Advisory Commission

Re: HB 1538: Conditional Withholding of Law Enforcement Identity

Dear Governor Wolf:

Public accountability of police actions in the Commonwealth is threatened by the restrictions imposed by HB 1538. The bill undermines both the fragile state of police-community relations in general and the specific intent of police reforms currently on the table in Philadelphia as a result of the Department of Justice's review of police shootings completed in March 2015, and the President's Task Force report on 21st Century Policing.

While the language of HB 1538 purports to protect police in the Commonwealth from potential retaliation by disgruntled citizens, the practical effect throws a cloak of invisibility over the actions of all police, and creates a protected class of public officials that is contrary to the notion that "the police are the public and the public are the police."

Private citizens who pose credible threats to police officers who use force can already be prosecuted under current Commonwealth law:

- In 2012, Rashee Beasley threatened to kill two police officers scheduled to testify against him in a YouTube video.¹ Beasley was charged and convicted of terroristic threats and intimidation of witnesses, and the decision was affirmed by the Pennsylvania Superior Court.
- McKeesport resident Edwin Batista was charged and convicted of terroristic threats after making threats against police during a 2010 arrest.² The trial court decision was also affirmed by a panel of Pennsylvania Superior Court judges.

When Philadelphia Commissioner Charles Ramsey began releasing the names of officers involved in shootings in 2015 as a result of recommendations from the Department of Justice, he did so only after carefully examining any potential threats to those officers and their families. We are deeply concerned that no public hearing has been held to carefully consider the public impact of the restrictions contained in this Bill. HB 1538 undermines local discretion and accountability mechanisms of police administrators, elected officials and police oversight professionals like the Commission and our colleagues at the Pittsburgh Citizen Police Review Board.

We join our colleagues at the Pittsburgh Citizen Police Review Board, the ACLU and other groups around the Commonwealth in opposition to HB 1538's attempts at hiding or appearing to hide the actions of police from legitimate public scrutiny.

Sincerely,
Kelvyn Anderson Executive Director
Police Advisory Commission

In Nov 2016, Gov Wolf vetoed the bill, with the following explanation:



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

THE GOVERNOR

November 21, 2016

TO THE HONORABLE HOUSE OF REPRESENTATIVES
OF THE COMMONWEALTH OF PENNSYLVANIA:

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, House Bill 1538, Printer's Number 4125.

Government works best when trust and openness exist between citizens and their government. I cannot agree to sign this bill, because it will enshrine into law a policy to withhold important information from the public.

The legislation as drafted would prevent the disclosure of a police officer's name in a situation where an officer takes the life of an unarmed person. These situations in particular—when law enforcement uses deadly force—demand utmost transparency, otherwise a harmful mistrust will grow between police officers and the communities they protect and serve. Transparency and accountability are required of all public employees, but this bill ignores the reality that a police officer is a public employee.

This bill's provisions will supersede any conflicting local police department policies, even though local police departments are better equipped to decide what information is appropriate to release to the public. Finally, this legislation would allow for the prosecution of anyone who violates the ban on releasing the name of a police officer who uses deadly force. This criminalization of what should be a routine release of public information is not in the public interest.

I am deeply concerned for the safety of the Commonwealth's police officers, but this legislation does not necessarily provide greater protection to law enforcement while it seriously inhibits public access to information.

For the reasons set forth above, I must withhold my signature from House Bill 1538, Printer's Number 4125.

Sincerely,

A handwritten signature in black ink that reads "Tom Wolf".

TOM WOLF
Governor

PENNSYLVANIA SENATE BILL 976 (BODY-WORN CAMERAS)

PA Senate Bill 976

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in wiretapping and electronic surveillance, further providing for definitions, for exceptions to prohibition of interception and disclosure of communications and for exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices; and providing for recordings by law enforcement officers.

- ACLU Comment: SB976 requires anyone seeking access to data from body cameras to identify every person in the video before the video has been viewed. Law enforcement can deny the request if the information being sought is part of an active investigation. If requesters appeal, they have to pay \$250 filing fees.
- ACLU Comment: If passed, the Office of Open Records (OOR), an independent quasi-judicial agency created to hear appeals of denials of public records, would have no jurisdiction to decide whether the video should be released to the public. The OOR routinely rules on whether records of local and state police agencies are available, but under Bill 976 would have no involvement in police camera footage.
- ACLU Comment: SB 976 also allows law enforcement to record inside a residence at anytime, regardless of circumstances.
- As the ACLU notes, SB 976 is silent on two key best practices in the use of BWCs. 1) There is no requirement stating when cameras must be turned on, and 2) It does not address how long data should be stored.

The bill's author, Sen. Stewart Greenleaf, believes Body Worn Cameras are primarily "evidence-gathering tools"

Finally, SB976 would overturn a Pennsylvania Commonwealth Court decision providing for the release of police video recordings under the Right to Know Law, Pa. State Police v. Grove, 119 A.3d 1102 (Pa. Commw. Ct. 2015), and do so before the Pennsylvania Supreme Court releases its opinion in the appeal from the Commonwealth Court. The Commonwealth Court's decision held that the fact that a police video "had some connection to a criminal proceeding" did not necessarily mean it was barred from public release as a record involved in an active police investigation. Id. at 1108. The court observed that, in the Grove case, the Pennsylvania State Police used these cameras to "document the entire interaction and actions of the trooper, including actions which have no investigative content, such as directions to motorists in a traffic stop or at an accident scene, police pursuits, and prisoner transports," and therefore the recordings did not fall under the exception for ongoing police investigations under the Right to Know Law. The Pennsylvania State Police, which opposes the release of police body camera footage, appealed to the Supreme Court, which heard argument on the issue on September 14, 2016.

SB976 passed the PA Senate by a vote of 45-5 on Oct. 19, 2016. It will be taken up by the house in early January.

Largest Payout in PPD History

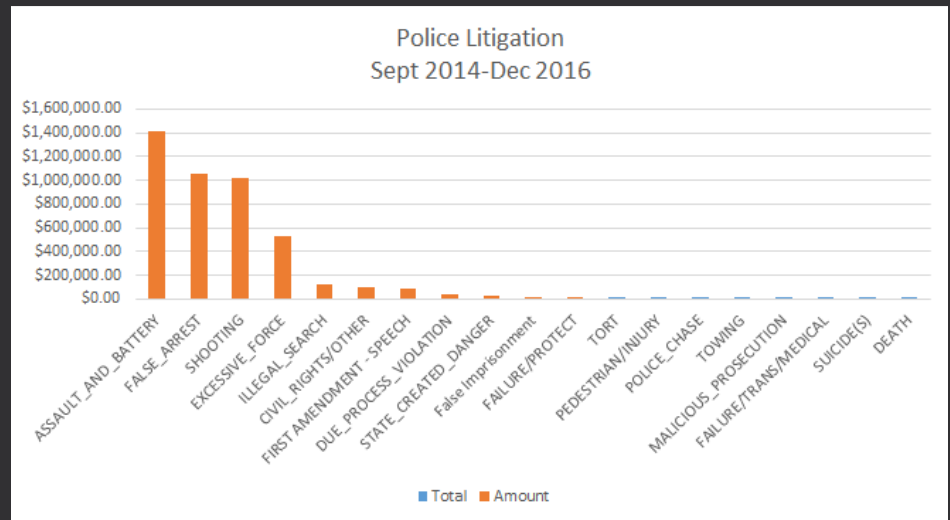
On January 6, 2017, city officials announced the largest settlement in the history of the Philadelphia Police Department, **\$4.4 million**,²⁷ in the April 22, 2014 police shooting of Phillipe Holland. Mr. Holland, who was working as a pizza deliveryman, encountered two plainclothes officers investigating reports of shots fired in the vicinity of 51st & Willows Streets in West Philadelphia. Fearing he was about to be robbed as he encountered the officers, Holland attempted to drive away and was shot several times as he attempted to flee.

In addition to changes in how undercover officers are trained, city officials have recommitted to the Police Department's plan to implement comprehensive use-of-force policy reforms recommended by the United States Department of Justice in March 2015.

The Department of Justice, through the 21st Century Policing Task Force, has made 91 reform recommendations to the City of Philadelphia, as of December 31, 2016 the City has completed 61 of these recommendations including, among others, instituting training in unconscious bias; establishment of a single investigative unit devoted to criminal investigations of all deadly force incidents; and ensuring that all officers who discharge their firearms will be interviewed within 72 hours of the incident.

Furthermore, an additional 25 recommendations are in process or near completion.

PPD LITIGATION 2014-2016



The Civil Rights Division of the Law Department provided the Commission with a list of 418 cases in 19 categories filed between 9/26/2014 & 12/23/2016. Payouts in these cases totaled **\$4,435,579.68**.

Disposition	Totals
SETTLED	95
CLOSED/NO CITY PAY	11
CLOSED/MOTIONS	7
DISMISSED	2
VOLUNTARY DISMISSAL	1
RAN STATUTE	1
NON PROS	1
DEFENSE/VERDICT	1

119 (28.5%) of the cases have been disposed as described in the table above. The remainder of the cases (Total=299) remain unresolved or active/ongoing.

Type	Total	Amount
ASSAULT_AND_BATTERY	76	\$1,408,307.68
FALSE_ARREST	170	\$1,057,000.00
SHOOTING	14	\$1,020,250.00
EXCESSIVE_FORCE	65	\$532,400.00
ILLEGAL_SEARCH	22	\$127,500.00
CIVIL_RIGHTS/OTHER	8	\$97,500.00
FIRST AMENDMENT - SPEECH	2	\$90,000.00
DUE_PROCESS_VIOLATION	7	\$45,000.00
STATE_CREATED_DANGER	2	\$30,122.00
False Imprisonment	15	\$20,000.00
FAILURE/PROTECT	2	\$7,500.00
TORT	1	\$0.00
PEDESTRIAN/INJURY	1	\$0.00
POLICE_CHASE	1	\$0.00
TOWING	1	\$0.00
MALICIOUS_PROSECUTION	18	\$0.00
FAILURE/TRANS/MEDICAL	1	\$0.00
SUICIDE(S)	1	\$0.00
DEATH	1	\$0.00
	0	\$0.00

Among the 119 disposed cases, Assault and Battery cases (Total=76) resulted in payouts of \$1.4 million, followed by False Arrests (Total=170/\$1,057,000), Shootings (Total=14/\$1,020,250), Excessive Force (Total=65/\$532,400), and illegal searches (Total=22/\$127,500).

In addition to the financial impact, police and law department attorneys use litigation to inform training and policy issues. “Existing research suggests that civil suits that cost police departments large sums of money often prompt police administrators to review policies and practices to correct their deficiencies to avoid future civil suits (Alpert & Dunham, 1992; McCoy, 1984). Police managers in some of the largest law enforcement agencies have begun to hire in-house risk managers and police legal advisors to help them review department training/recruitment efforts, policies, and procedures in an effort to manage and prevent police officer exposure to liability (Archbold, 2002)²⁶

PPD BODY-WORN CAMERAS

In their April 2016 testimony before City Council, the PPD announced intentions to expand the use of Body-Worn Cameras to all patrol officers.

“Over the next five years, to increase transparency, improve community trust, and reduce complaints issued against police officers, PPD will purchase 4,000 body cameras to be worn by police officers. This effort was piloted in FY16 with the purchase of 300 body worn cameras and required video storage. These cameras were put into service in the 22nd District.

In FY17, with both general fund dollars and support from private and philanthropic funding, the department will purchase an additional 800 body worn cameras and necessary storage space.

Additional cameras will be purchased in subsequent years. Yearly storage costs, per camera (post purchase) will be \$150,000 for 800 cameras.”²⁸

THE POLICE DEPARTMENT’S DRAFT POLICY REGARDING BODY-WORN CAMERAS²⁹ WAS EVALUATED BY THE BWC SCORECARD, A PROJECT OF THE UPTURN/NATIONAL LEADERSHIP CONFERENCE ON CIVIL RIGHTS

Philadelphia Police Department



- ✓ Makes the Department Policy Publicly and Readily Available
- ✓ Limits Officer Discretion on When to Record
- ✓ Addresses Personal Privacy Concerns
- ✗ Prohibits Officer Pre-Report Viewing
- ✗ Limits Retention of Footage
- Protects Footage Against Tampering and Misuse
- ✗ Makes Footage Available to Individuals Filing Complaints
- ✗ Limits Biometric Searching of Footage

Last updated: August 4, 2016. Is there a new version of this policy? Let us know.




BELOW IS THE PPD SEPTEMBER 2016 REPLY TO THE BWC SCORECARD EVALUATION:

1. Makes its policy publicly and readily available - PPD response: It is available. Directive 4.21, outlining the department's body worn camera policy can be found on PhillyPolice.com on the accountability page. <http://phillypolice.com/accountability/>
2. Limits officer discretion on when to record - PPD response: It does See Directive 4.21 (section 4a-c)
3. Addresses personal privacy concerns - PPD response: It does See Directive 4.21 (section 4a-c)
4. Prohibits officer pre-report viewing - PPD response: An officer is allowed to view footage from the BWC he/she wears to support accuracy, but has no ability to edit or delete any captured content. It is viewed in the docking/uploading station in a technician/supervisor's presence. Additionally any interaction (viewing, uploading etc) of the video is tagged in the metadata.
5. Limits retention of footage - PPD response: Held for at least 30 days. See Directive 4.21 (section 4d)
6. Protects footage against tampering and misuse - PPD response: The policy bans tampering with the camera, recordings, metadata etc. And the camera hardware does not allow it.
7. Makes footage available to individuals filing complaints - PPD response: Complainants are allowed to review relevant footage.
8. Limits the use of biometric technologies - PPD response: Our BWCs do not have the capability to perform facial recognition or other biometric tasks

The Commission is working with Councilman Curtis Jones and the Public Safety Committee on the PPD's use of Body-Worn Cameras. A hearing was held on **Monday March 13, 2017**, in City Council chambers.

In advance of and following the March hearing, we will hold community forums and conduct web polls/surveys to familiarize citizens with the basic operational, legal, cost and policy considerations for the police department's Body Worn Camera project and to highlight the benefits and identify the issues regarding their usage. Below is the initial question we asked of citizens using [NextDoor](#):



Poll: Use of Body-Worn Cameras
Executive Director Kelvyn Anderson from Philadelphia Police Advisory Commission · 2d ago

The Police Advisory Commission and City Council's Public Safety Committee are planning a hearing to present information and gather public comment and feedback on the PPD's Body-Worn Camera program.

Over the next few weeks we will present a series of statements and questions to gauge public opinion on the use of this technology.

TODAY'S STATEMENT: Police should be required to notify individuals when they are being recorded on body worn video.

Use of Body-Worn Cameras	
Strongly Agree	32%
Disagree	20%
Agree	20%
Strongly Disagree	18%
Neither Disagree Nor Agree	9%

This poll has been closed. 753 votes

Shared with all areas in Philadelphia Police Advisory Commission in Crime & Safety



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ACKNOWLEDGEMENTS

The Commission's work around police-community-relations is dependent on active partnerships and the input and participation of many individuals, advocacy groups and organizations in our city and around the US. While this is not an exhaustive list, we would like to acknowledge the following groups and organizations for their hard work and commitment to improving policing in Philadelphia.

The American Civil Liberties Union (ACLU) of Pennsylvania

Black Lives Matter, Philadelphia Chapter

Campaign Zero

Civilian Complaint Review Board (CCRB), New York, NY

Citizen's Police Review Board, Pittsburgh

Cities United

Concilio, Philadelphia

Deaf-Hearing Communication Center

The Defender's Association of Philadelphia

Department of Justice COPS Office

Guardian Civic League, Philadelphia

International Association of Chiefs of Police (IACP)

Institute for the Development of African-American Youth

Liberty Resources, Philadelphia

Mayor's Commission on African-American Males

My Brother's Keeper, Philadelphia

National Association for Civilian Oversight of Law Enforcement (NACOLE)

National Action Network, Philadelphia

National Lawyer's Guild

NYPD Inspector General's Office, New York, NY

Police Executive Research Forum (PERF)

The Philadelphia Human Relations Commission

Philadelphia Youth Commission

Philly Coalition for Real Justice

Police Community Oversight Board, Philadelphia

POWER, Philadelphia

Mayor's Office of Reintegration Services (R.I.S.E)

Spanish American Law Enforcement Association (S.A.L.E.A.)

Smart Policing Initiative

Town Watch Integrated Services, City of Philadelphia

Up Against the Law, Philadelphia

Upturn (BWC Scorecard)

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