



An Investigation of the PPD Response to Self-Help Evictions



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Executive Summary

The Police Advisory Commission (PAC) for the City of Philadelphia has completed a review of Philadelphia Police Department Directive 3.17, which outlines the Department's Self-Help Eviction Policy. In accordance with Section 4 A. of Executive Order NO. 2-17 issued by Mayor James F. Kenney on January 12th, 2017, we would like to propose a revision to this policy as well as suggest that an intentional focus be placed on the practices of Philadelphia Police Officers when responding to service calls regarding Self-Help Evictions. The term "Self-Help Eviction" is defined by Pennsylvania law as acts committed by landlords, such as changing locks or removing a tenant's property, to force a tenant to move out.¹

To understand this issue further, the PAC engaged subject matter experts, solicited several informal interviews of officers, and was involved in resolving a Self-Help Eviction on scene as it was occurring. Through these sources of information, the PAC discovered that the common theme as it relates to the PPD's response to Self-Help Evictions is that often the response by officers at all ranks, is inconsistent with Directive 3.17. Therefore, although this directive provides officers with clarity regarding how to identify and remedy a Self-Help Eviction, the implementation of this directive is insufficient, and many officers seem wholly unaware the directive exists at all.

Our recommendations focus on aligning the practice of Philadelphia Police Officers when dispatched to calls for service for Self-Help Evictions with the current policy as outlined in Directive 3.17. Our report highlights the consequences of inconsistent practice with this policy. Specifically, the public's belief in police legitimacy and trust can be lost when officers fail to identify and rectify Self-Help Evictions. Further, continued calls for service exhaust police time and resources. Finally, citizens and families who did not need to be homeless can find themselves without housing. Our recommendations suggest a consistent review of Directive 3.17 with front line officers during roll call, an update to the *Tenant's Referral Notice* that provides accurate information for tenants experiencing housing insecurity, and clarity to officers

¹ <https://www.nolo.com/legal-encyclopedia/how-evictions-work-pennsylvania.html>

regarding their authority when responding to Self-Help Evictions. The PAC also recommends Community Relations Officers be aware of the frequency of Self-Help Evictions in their district and maintain relationships with organizations specializing in tenant's rights.

The PAC's report on Self-Help Evictions outlines the Philadelphia Police Department's role in the housing crisis of Philadelphia as outlined by Mayor Kenney's *Taskforce on Eviction Prevention and Recommendations*. Though much of the available data on evictions reflects legal evictions filed in the Philadelphia Municipal Court, this report focuses on the many cases of Self-Help Evictions which PPD officers do not appropriately respond to. The PAC aims to explain that the populations at risk are often those who are already marginalized, and therefore have limited access to resources outside what is publicly available. Finally, this report outlines the relationship between eviction and poverty, as well as the cascading consequences associated with sudden illegal evictions. These cascading consequences should be utilized to emphasize the impact an officer might have when responding to a Self-Help Eviction.

Introduction

With over 1 million residents, the City of Philadelphia has the highest rate of poverty among the ten most populated U.S. cities². Although poverty alone serves as a major barrier to many services and supports, other sociocultural factors such as race, citizenship status, and education also strengthen this barrier. One specific factor that plays a key role in the poverty rate of Philadelphia is the high number of Philadelphians facing housing instability by way of eviction. With approximately one in fourteen Philadelphia renters facing evictions each year,³ experts describe evictions as not merely a symptom of poverty, but too often the cause of poverty because a loss is occurring. A loss of housing, belongings, the possible loss of a child's place in their neighborhood school, and the possible loss of employment are causes of poverty.⁴ Researchers have also recognized that the emotional stress of losing one's home is strong enough to negatively impact both their production and punctuality which can ultimately result in job loss. Not only does the loss of work make the effort to secure new housing even more difficult, but evictions often lead to increased residential instability and homelessness, as well as a relocation to a disadvantaged neighborhood or to substandard housing.⁵

The problem of evictions has become so great in the City of Philadelphia that Mayor Jim Kenney enacted the *Taskforce on Eviction Prevention*. The purpose of this taskforce is for subject matter experts familiar with the social service needs, legalities, and partnering agencies to create and implement a plan to address this crisis⁶. However, the current data regarding evictions in Philadelphia represent only evictions filed in court and do not include Self-Help Evictions.⁷ Self-

² http://www.phillytrib.com/metros/breaking-poverty-crime-poverty-often-linked/article_258b0eac-33f6-570e-89bf-b2d83635a13b.html

³ Julia Terruso. "Why 1 in 14 Philly renters faces eviction every year." *The Philadelphia Inquirer*, April 19, 2018, Section.

⁴ Desmond, M. (2012). Eviction and the Reproduction of Urban Poverty. *American Journal Of Sociology*, 118(1), 88-133. doi:10.1086/666082

⁵ Desmond, M. (2012). Eviction and the Reproduction of Urban Poverty. *American Journal Of Sociology*, 118(1), 88-133. doi:10.1086/666082

⁶ *Mayor Kenney's Taskforce on Eviction Prevention and Recommendations*, published June 2018

⁷ <http://www2.philly.com/philly/news/eviction-philadelphia-poverty-broke-in-philly-solutions-20180418.html#loaded>

Help Evictions are illegal evictions forced by a landlord without proper court authority.⁸ In the analysis of the eviction and housing crisis data, subject matter experts who focus on legal services for indigent populations asserted that there was a body of people not represented in the eviction data. These unrepresented people are those who are illegally evicted from their dwellings by Self-Help Eviction methods. These methods include, but are not limited to locks being changed, maintenance being done that makes the living space uninhabitable, or shutting off necessary utilities for the tenant. Though there is a lack of formal data available regarding the frequency of Self-Help Evictions, Philadelphia's Community Legal Service's Housing Unit has seen over 138 cases of illegal evictions between January 1, 2017 and November 28, 2018. This equates to approximately two cases each week servicing citizens experiencing a Self-Help Eviction. Subject matter experts familiar with indigent legal services and Self-Help Evictions acknowledge that there are many more tenants experiencing the same. These experts suggest that people may not pursue assistance because they are intimidated or marginalized, have an active warrant, have concerns surrounding their immigration status, and a host of other barriers that prevent a person from contacting police and/or supporting agencies during a Self-Help Eviction. Self-Help Evictions target and negatively impact the most vulnerable populations who may not seek legal remedy to this matter because of the marginalized and unprotected status they hold.

The basis for this report is a concern expressed by citizens and advocates with the service Philadelphia Police Officers provide when dispatched to Self-Help Evictions. In consultation with Community Legal Services' Housing Unit, the PAC learned that many of the clients seeking services for illegal evictions had attempted to involve the Philadelphia Police Department, but were unsuccessful in receiving services. These contacts included officers responding to a call for service, as well as contact had with officers in the district. Community Legal Services stated that this problem persisted despite the fact that the Philadelphia Police Department has created Directive 3.17 which instructs officers how to appropriately respond to a Self-Help Eviction.

⁸ <https://www.dicksonlegal.com/self-help-eviction/>

The Philadelphia Police Department's Directive 3.17 "Prohibition Against Self-Help Eviction Practices" provides officers clear direction when called to Self-Help Evictions, however in the PAC's review, concerns with the practice arose. It is the PAC's hope that the proposed analysis and recommendations would strengthen the understanding of the current directive for Philadelphia Police Department's patrol and responding officers. Additionally, the PAC hopes that this report can highlight the critical role officers play in combating Self-Help Evictions, and ultimately, homelessness. Understanding the relationship between adequate policing and poverty prevention are essential in a City with as much potential, but also scarcity of resources, as Philadelphia. By responding appropriately in practice to what is already policy, the Philadelphia Police Department has a great opportunity to begin restoration of trust from communities by acting in their authority to reestablish justice and strengthen legitimacy as an agency.

Sources of Information

- A. Informational Interviews with Subject Matter Experts in Housing Insecurity, Homelessness, & Self-Help Evictions
- B. Police Advisory Commission's on-site involvement with a Self-Help Eviction in Fall, 2018.
- C. U.S. Census Bureau, Current Population Survey, 2018 Annual Social and Economic Supplement.
- D. Review of:
 - a. *Mayor Kenney's Taskforce on Eviction Prevention and Recommendations*, published June 2018
 - b. Julia Terruso. "Why 1 in 14 Philly renters faces eviction every year." *The Philadelphia Inquirer*, April 19, 2018.
 - c. Desmond, M. (2012). Eviction and the Reproduction of Urban Poverty. *American Journal Of Sociology*, 118(1), 88-133. doi:10.1086/666082
 - d. Desmond, M. (2016). *Evicted: poverty and profit in the American city*. New York :Crown Publishers, [2016].
 - e. EvictionLab.org
 - f. Emily Badger & Quoc Trung Bui. "In 83 Million Eviction Records, a Sweeping and Intimate New Look at Housing in America." *New York Times*, April 7, 2018.
- E. Informal interviews and interactions with 16 Philadelphia Police Officers from varying districts.

Interviews and Meetings

The first goal of the PAC was to begin to understand the role of the Philadelphia Police Department in Self-Help Evictions in the City of Philadelphia. To do this, the PAC enlisted the support of community agencies who specialize in tenant's rights and indigent legal services. These agencies were able to explain the cascading consequences of a Self-Help Eviction. Most notably, these experts highlighted how these types of evictions cause sudden homelessness for a population of people who are already marginalized and therefore cannot afford yet another host of disadvantages brought on by homelessness.

The recurring theme communicated to the PAC through interviews with subject matter experts and community partners in combating Self-Help Evictions was the fact that Philadelphia Police Officers dispatched and responding to Self-Help Evictions have consistently failed to act in accordance with their directive. This failure resulted in repeated calls for service, multiple police interactions, and numerous city resources spent as the residents sought relief and assistance from other City agencies, nonprofit organizations, and legal services. Often, this could have been remedied if officers' initial response assessed the situation properly and responded in accordance with PPD Directive 3.17.

Interviews and meetings with subject matter experts revealed that citizens facing Self-Help Evictions contact the police between two and three times and often seek legal assistance, before their access to their dwelling is restored. This process is often elongated because they receive incorrect information from responding officers. Currently, the officers dispatched to the Self-Help Eviction often incorrectly direct the tenant to settle the matter at Philadelphia Municipal Court. When the tenant arrives to the Municipal Court, they are informed that the courts do not litigate Self-Help Evictions and then direct the tenant to social service agencies such as Community Legal Services or the Tenant Union Representative Network (TURN). The tenant then goes to those agencies to wait for at least one hour before they are interviewed by a paralegal, social worker, or attorney to have their statements evaluated. Once the Self-Help Eviction is authenticated, the tenant is provided with a letter citing PPD Directive 3.17 to take

back to their local Police District to assist them in regaining access to their home. This lengthy process also assumes the courts and nonprofit organizations are open or accessible to the resident. Many times, landlords are often savvy enough to understand that if they initiate a Self-Help Eviction on a Friday after 3:00 pm, a tenant will have no other recourse other than calling the police until the courts and social service agencies open for business again on Monday morning at 9:00 am.

The PAC learned that the hour at which a Self-Help Eviction is enacted is also a contributing factor in the response of PPD officers. Towards the end of this review, the PAC communicated with a high-ranking PPD leader regarding Self-Help Evictions. This PPD leader explained that this issue was one the department could review and provide updated training and roll call reminds on. However, they also stated that in their estimation, these problems were potentially very murky for patrol officers. They stated that Police Officers were first responders who were often operating during hours when access to information was limited, and thus their ability to clarify the legality or illegality of an eviction was also limited. This PPD leader and the PAC agreed that efforts should be made to ensure that police officers receive improved access to information and that Patrol Officers and Police Supervisors are assured that if an error is made due to inaccurate information, they will not be disciplined.

To corroborate the concerns expressed by community partners and experts as it pertains to the practice of Philadelphia Police Department's response to Self-Help Evictions, the PAC conducted sixteen informal interviews of officers ranging in rank from patrol officer to captain from varying districts across the City of Philadelphia. Officers informally interviewed included

- 1 Community Relations Officer
- 4 Department Supervisors
- 11 Patrol Officers

All officers were asked two questions:

1. When you are dispatched to a Self-Help Eviction, how do you respond when you arrive?

2. Are you aware there is a Directive in place to guide your response?

Through this informal interviewing of officers, the PAC found that 100% of the officers engaged by the PAC were responding out of Directive 3.17 policy when dispatched to service Self-Help Evictions. The PAC also found that 100% of the surveyed officers were unaware of the Directive regarding Self-Help Evictions. The PAC also needed to explain to the Community Relations Officer, one (1) department supervisor, and nine (9) patrol officers what a Self-Help Eviction was by using terms such as, “illegal lockout,” and “illegal eviction.”

The informal interviews of PPD officers provided the PAC with direct officer interaction that indicated officers’ inability to identify a Self-Help Eviction and ultimately, inability to provide Directive guided service. Of the sixteen officers interviewed, there was not one who responded that they would provide service at a Self-Help Eviction in correlation with PPD Directive 3.17. Many of the officers indicated that they would advise the tenant that the Self-Help Eviction was a civil matter, and thus must be litigated in Philadelphia Municipal Court. These officers stated that they would provide the tenant with a police report to take with them to Landlord-Tenant court to support their claim of the Self-Help Eviction, however there was nothing else officers could do to service the citizen. Officers indicated that they would code the interaction on the “75-48” police reporting form as either a “domestic disturbance” or “meet complainant.” The remaining officers indicated that they would need to ask their Captain for assistance in that matter because they would not know the appropriate response for service.

On a separate occasion, the PAC attended a Philadelphia Police Department’s evening community meeting. These meetings are held monthly at each district for residents of the district to discuss concerns of crime, policing, and other relevant information with the Captain of the district, patrol officers, and often the Community Relations Officer. The meeting that the PAC attended had approximately thirty citizens and several patrol officers present. During the meeting, several residents experiencing Self-Help Eviction methods by their landlord expressed their concerns and frustrations with the lack of support they were receiving from the PPD when they called to report these measures. The Captain publicly and erroneously responded that Illegal Evictions were not an issue the PPD had authority over, and that residents should instead address

their issue with the Sherriff's department. This Captain was later receptive to PAC feedback on this matter and stated that they had not ever before heard of or seen a directive regarding self-help evictions.

In the PAC's interviews of subject matter experts on the matter, informal officer interviews, and attendance at a community meeting, we have found that officers routinely respond to Self-Help Evictions without knowledge of the proper steps as outlined in Directive 3.17. Therefore, many officers seem to be making judgment calls based on their own beliefs of right and wrong, a rent default or the landlord's assertion of necessary immediate property maintenance that displaces the tenant.

Case Study

In September 2018, the PAC received a complaint from a Philadelphia resident requesting support during a Self-Help Eviction he was actively experiencing. The citizen explained that he had placed several calls to 911, and as a result the police in his district responded to his residence three times, with the final response including a PPD supervisor. The complainant reported that the police had stopped responding to his calls even though he was insisting that he was being illegally evicted. He further explained that he and his landlord were litigating a matter in the Municipal Court, however his landlord was trying to prematurely force him out before the legal matters were settled.

The complainant was not only frustrated by the overall service of the Philadelphia Police Department, but by their inability to identify the coercive tactics being employed by his landlord. He stated that despite his attempts to explain that the non-essential work being done in his home was happening without his consent or request, the Police Officers who responded stated they would not instruct the crew working there to cease their work. As a result, the complainant contacted the Police Advisory Commission to collaborate with the Police Department so the police could respond appropriately.

The PAC placed several calls to the District to communicate the error and inconsistency with PPD Directive 3.17 guiding the PPD's identification and response to Self-Help Evictions. Eventually, the PAC was able to communicate with a supervisor who maintained the opinion that no issue existed with the response of the police officers to this call for service. After some discussion, the supervisor invited the PAC to come to the scene to offer their assessment. As a result, two PAC representatives left their Center City offices to accompany officers for a fourth time to the residence to address the Self-Help Eviction. Upon arrival, the complainant produced documentation from the court specifying that he remain in his home and not be evicted. The two PAC staff members were able to facilitate the police interaction and clarify to the police that the landlord was illegally evicting their tenant despite the court order not to. The Police then summoned the landlord to the residence and verified that the landlord had in fact ordered

maintenance workers to conduct work on the home in anticipation of new tenants who would be moving in that week. Together, the PAC and the Police Department explained to the landlord why these actions were not legal. Both parties also explained to the landlord that they needed to return the lock they had changed and direct their staff to not return to the property to perform work until the court had ordered the eviction via an *Alias Writ of Possession*.⁹ Despite the PPD Directive 3.17 instructing officers to issue citations in instances like this, the landlord was not issued any citation. Even after admitting she was attempting a Self-Help Eviction, the landlord was not issued a citation of any kind for her actions despite the responding officers' direction as given in PPD Directive 3.17.

In total, this relief required an extraordinarily savvy and persistent tenant. After numerous calls and three in person interactions with the Philadelphia Police Department, he took steps to contact numerous city agencies including the PAC for assistance. Together with the PAC's visit, it required four visits to the citizen's home, and four officers to assist the citizen with regaining possession of his dwelling. The PAC informed the responding officers and their supervisor that a directive existed which guided their response to Self-Help Evictions. The PAC also assisted in the effort to explain the proper eviction process in the City of Philadelphia to the landlord, as none of the responding officers had or were fully prepared to do so. This process took approximately four hours for both the Philadelphia Police Department and the Police Advisory Commission. The City of Philadelphia paid the salaries of six city employees, as well as the use of three city cars, for four hours mitigating an issue that could have been solved by one agency in one hour with one-third the man power. This case study provided validity to the already rumored concern with Philadelphia Police Department's practice when responding to Self-Help Evictions.

The complainant in this Case Study was well versed and aware of his rights as a tenant. He understood the role and responsibility of the Police to halt any Self-Help Eviction. He also knew that if the police were not acting accordingly, there were other agencies he could utilize to escalate his concern. This complainant's confidence in advocating for his tenant rights does not represent the majority of tenants who experience a Self-Help Eviction. Subject matter experts continually acknowledge that Self-Help Evictions target and most negatively impact populations

⁹ "This is the legal document, signed by a judged, necessary to effect an eviction." (PPD Directive 3.17)

with barriers that prevent them from contacting supporting agencies to reverse a Self-Help Eviction. Some of these barriers include race, ethnicity, citizenship status, educational level, and even cultural history of bias when engaging with the police or the judicial system. These barriers combined with Police Officers refusing to provide adequate and appropriate service further marginalize already disadvantaged populations.

Recommendations

After review of Philadelphia Police Directive 3.17 “Prohibition Against Self-Help Eviction Practices: Philadelphia Code 9-1600” the Police Advisory Commission (PAC) attempted to review and evaluate pathways to improve the policy, practice, and custom of the Philadelphia Police Department as they relate to Self-Help Evictions. The PAC’s analysis began by thoroughly researching the concerns and best practices regarding Self-Help Evictions in comparable cities and jurisdictions, assessing the needs of Philadelphia’s marginalized populations as it pertained to housing insecurity, and meeting with subject matter experts. In comparing the Philadelphia Police Department’s Directive 3.17 with both comparable cities as well as the current practice of the Philadelphia Police Department officers when dispatched to Self-Help Evictions, the PAC found the PPD Directive to be thorough and clear, and thus, have minimal policy recommendations. While the policy needs minimal changes, the PAC proposes the following recommendations regarding the practice of the PPD and improving the implementation of Directive 3.17:

I. Practice Recommendations:

Recommendation 1: The PAC recommends that Directive 3.17 be prioritized and addressed during role call multiple times per week for least three months, then at least once per month thereafter. A discussion of the directive as well as some practical and nuanced examples of how Self-Help Evictions occur should be included in these roll calls.

Recommendation 1.1: The PAC recommends the PPD consider efforts to ensure that the messaging regarding Directive 3.17 and the nuance of Self-Help Evictions is consistent across all districts. These efforts can include the creation of a video, podcast, or other multimedia message that highlights some common elements of Self-Help Evictions and the correct practice that corresponds with Directive 3.17. Alternatively, officer testimonials or case studies such as the case study provided by the Police Advisory Commission should be utilized to highlight the complicated nature of a Self-Help Eviction.

Recommendation 1.2: The PAC recommends that any multimedia product created as a result of Recommendation 1.1 be made available to view and/or listen to via the Mobile Digital Commander (MDC). By making the multimedia product available in the police vehicles, the PPD accommodates the various learning styles officers may have. Making the product accessible in the vehicle also provides greater time during roll call to discuss other district level concerns.

Recommendation 1.3: The PPD may also wish include a short quiz at the end of any multimedia or in person training to determine if this training effectively increased officers understanding of Directive 3.17. A responsive quiz at the end of the production provides the Police Department the opportunity to identify areas in need of increased training or clarification on specific aspects of the Directive.

Recommendation 1.4: The PAC recommends that the PPD enlist community-based organization or a person directly impacted by self-help evictions in the creation of any multimedia product. Further, the PAC recommends that any multimedia product that is created be made public in order to increase public awareness of PPD responsibility when dispatched to Self-Help Evictions.

Recommendation 1.5: The PAC recommends that the consequences, borne by residents, when there is an inappropriate or out of policy response to Self-Help Evictions be described to officers in detail.

As noted in this report, when PPD officers do not immediately reverse a Self-Help Eviction, citizens are likely to become suddenly homeless, sink deeper into poverty, lose their clothes and lose vital documents. Additionally, this traumatic experience may affect their emotional health which is closely related to productive performance (i.e.: focus on work or family and maintenance of employment). Finally, although they may understand this issue on some level, efforts should be made to highlight the fact that Self-Help Evictions disproportionately affect already marginalized populations. Because policing includes a special focus on protecting the most vulnerable residents, this may be crucial in increasing officer buy in.

Recommendation 2: The PAC recommends that the PPD develop strong district level relationships with Community Legal Services and Tenant’s Union Referral Network (TURN) for training and up-to-date landlord-tenant resources.

Community Legal Services and TURN are stakeholders in both housing security and tenant advocacy. Both organizations are well versed in providing a variety of services including legal assistance, explanation of rights, training for tenants, landlords, and other nonprofits, as well as disseminating information to all tenants often free of charge. Community Legal Services also routinely updates their palm cards with tenant resources and supportive service information. The PAC proposes that each PPD Police District Community Relations Officer establish strong ties with the Housing Unit of Community Legal Services and TURN to provide optimal sharing of information, resources, and tenant referrals.

Recommendation 3: The PAC recommends that all PPD Community Relations Officers (CROs) be guided to increase their ability to recognize Self-Help Evictions and take steps to educate their district on Directive 3.17.

As the support agent for issues specific to their district, the Community Relations Officer (CRO) should understand how prevalent Self-Help Evictions are in the district they are responsible for. If Self-Help Evictions are found to be prevalent, the Community Relations Officer should be the authority on accurate data for those experiencing a housing crisis in their district.

Recommendation 3.1: The PAC further recommends that the Community Relations Officer (CRO), or another designated officer, at each district be responsible to follow up, within one week, with citizens who experience Self-Help Evictions that officers respond to.

In maintaining both accountability and concern for citizens, Community Relations Officers (CROs), or another designated officer, should be responsible to follow up with citizens to assess the need for social service referral, legal representation, or other housing resources after they have experienced a Self-Help Eviction. According the subject matter experts, many who face a

Self-Help Eviction often face another shortly after. The CRO or other designated officer will also act as quality control in the intentional efforts in the PPD's handling of Self-Help Evictions to ascertain if tenants received access back to their dwelling and the *Tenant's Referral Notice*.

Recommendation 4: PPD officers should provide a copy of the "*Tenant's Referral Notice*" to all citizens experiencing a Self-Help Eviction.

Directive 3.17, Section 3.A.2 directs officers to, "Issue the "Tenant's Referral Notice" to all parties and request parties to read same." As noted earlier in our discovery, we found that many Philadelphia Police Department Officers are not able identify, diagnose, and remedy Self-Help Evictions. We hypothesize that as a result, officers are not providing tenants with the *Tenant's Referral Notice*. Without knowledge of the directive, one cannot properly carry out the provisions of it.

Recommendation 4.1: The PAC recommends the Philadelphia Police Department update the information on the "*Tenant's Referral Notice*".

In the best-case scenario, there are some PPD officers who are identifying Self-Help Evictions and following Directive 3.17, Section 3.A.2, however, they are dispersing outdated and inaccurate information. The PAC recommends that the PPD make the following changes to update the *Tenant's Referral Notice*:

- a) Remove "Tenant Action Group" (TAG) as they are no longer operating. The PAC recommends the PPD replace TAG with *Tenant Union Representative Network* (TURN) located at 100 South Broad Street, Suite 800, Philadelphia, Pennsylvania 19110. TURN's phone number is 215-940-3900.
- b) Update the *Office of Emergency Shelter & Services* to include the specific locations, phone numbers, and hours persons would go to for support as the main number is not the course of action when experiencing a housing crisis. The *Office of Emergency*

Shelter & Services have streamlined their processes to outline where an individual would go for housing intake services based upon their gender and family needs:

1. Families/Single Women Seeking Emergency Housing Services:

Appletree Family Center

Intake: Mon-Fri: 7am-5pm

1430 Cherry Street

215-686-7150, 7151, or 7153

2. Families Only Seeking Emergency Housing (After-Hours Services)

Salvation Army Red Shield Family Residence

Intake: Daily, Holidays, Weekends, & After 5pm

715 N. Broad Street

215-787-2887

3. Single Women Only Seeking Emergency Housing (After-Hours Services)

Gaudenzia's House of Passage, Kirkbride Center

Intake: Holidays, Weekends, & After 5pm

48th Street and Haverford Avenue (48th Street side entrance)

215-471-2017

4. Single Men Seeking Emergency Housing Services

The Roosevelt Darby Center

Intake: Mon-Fri: 7am-5pm

802 North Broad Street

215-685-3700

5. Single Men Seeking Emergency Housing After-Hours Services

Station House

Intake: Holidays, Weekends, & After 5pm

2601 N. Broad Street (rear entrance)

215-225-9230

Recommendation 4.2: The PAC recommends the Philadelphia Police Department update the material on which the “*Tenant’s Referral Notice*” is printed.

The PAC recommends that the material on which the *Tenant’s Referral Notice* is printed be changed from an 8.5 x 11 piece of paper to a cardstock post card. By printing the *Tenant’s Referral Notice* on a smaller and sturdier material, officers, including bicycle officers, can easily store, transport, and refer to a clean and accurate document when dispatched to Self-Help Evictions.

Recommendation 5: The PAC recommends that the Philadelphia Police Department continue collaboration with the external stakeholders including the Municipal Landlord-Tenant court, Community Legal Services, and others who are currently serving on the *Housing Security Working Group*, which serves as the primary agent for implementing the recommendations outlined in the final report of the *Mayors Taskforce on Eviction Prevention*.

Participation in this task force and communication with other stakeholders can ensure that the Police Department can communicate what they need to ensure that officers can respond effectively when they do identify a Self-Help Eviction. Some of these needs can include requesting that the courts immediately update their online civil docket database to reflect when a *Writ of Alias* has been issued, and that landlords granted a *Writ of Alias* be required to provide a copy of the order to the local Police District before taking any action at the property. If the Police Department is able to communicate these needs, they can ensure that officers have multiple avenues to confirm whether or not an eviction is lawful or legal.

Recommendation 5.1: The Police Department should take efforts to ensure officers that if they do exhaust all of the possible opportunities to confirm if an eviction is lawful, and are unable to, they are free to err on the side of the tenant/complainant and will not face discipline. This communication may put officers at ease if they allow a person to force entry into a property that the complainant alleges they are being unlawfully evicted from.

II. Policy Recommendations

Recommendation 6: The PAC recommends that the PPD select one category for all officers and data entry persons to code Self-Help Evictions.

During the PAC's informal interviews of sixteen Philadelphia Police officers, officers provided varying accounts of their response to a Self-Help Eviction. Though all indicated that they would prepare a "75-48" form to document the Self-Help Eviction, the PAC found inconsistencies in the formal coding on the "75-48" form when responding to the same incident. The current "75-48" form that officers use to code incidents they are dispatched to does not include "*Self-Help Evictions*" as its own code. Because of this, the PAC found that officers use varying codes including "domestic disturbance" or "meet complainant" to document the contact. For optimal data tracking and management, the Police Advisory Commission recommends the creation of the category "*Self-Help Evictions*" which officers can utilize when creating 75-48 reports. PPD Directive 3.17 states that all "75-48's" related to Self-Help Evictions be forwarded to the Special Advisor to the Commissioner, however without consistent data tracking, this has not and cannot occur.

In a city, and moreover a nation, grappling with housing instability it is unacceptable that we are unaware how much of a role Self-Help Evictions play. It is necessary that this data be tracked accurately and efficiently. Consistency in reporting provides validity to data collected. Maintaining accurate data will allow the Special Advisor to the Commissioner the ability to evaluate the efficiency of service by Philadelphia Police Department officers.

Recommendation 6.1: The PAC recommends that PPD directive 3.17 be updated to include the ability and duty of officers to contact utility companies to restore service to properties when landlords disconnect the service(s) to force the tenant to leave.

According to senior leadership of the Philadelphia Police Department, if the Self-Help Eviction is occurring by way of utility service termination by the landlord to make the dwelling uninhabitable, all officers of the Philadelphia Police Department have the authority to contact

utility service companies to restore services on behalf of the tenants. Officers should call the utility company, identify themselves with their district and badge number, and explain that the services were terminated to force the tenant to move illegally. The Directive should include the contact information for all major utility companies in the City of Philadelphia.

1. Philadelphia Gas Works: 215-235-1000
2. PECO: 1-800-494-1000
3. Philadelphia Water Department: 215-685-6121

Recommendation 6.2: The PAC recommends that the authority of PPD officers to restore disconnected utility services as a tool of Self-Help Evictions be clearly communicated with the major utility companies in writing.

Recommendation 7: The PAC recommends that PPD directive 3.17 be updated to provide resources and direction for officers when they are unable to legitimize evictions through contact with the landlord.

Recommendation 7.1: To make efforts to ease the officers' ability to exhaust all efforts to legitimize evictions, the following efforts are recommended:

- a. Ensuring that the Mobile Digital Commander (MDC) can access <http://fjdclaims.phila.gov/> to search for *Alias Writ of Possessions* authorizing evictions.
- b. Ensuring that police radio or some other regularly accessible resource can access <http://fjdclaims.phila.gov/>.
- c. Communicate with the Philadelphia Municipal Court to request that all landlords effecting an eviction file a copy of the *Alias Writ of Possession* with the Police District which the property is situated in before they take any action.
- d. Communicate with the Philadelphia Municipal Court to request that the FJDClaims database be updated as often as possible, but not more than 12 hours after an eviction has been granted.

After exhausting all these efforts, the PPD will have indemnified themselves if their lack of access to the correct information leads to an error.

Recommendation 7.2: The PAC recommends that PPD directive 3.17 be updated to include direction for officers that specifically explains that officers should err on the side of the complainant/tenant after unsuccessful efforts to validate the legitimacy of the eviction.

Conclusion

In a city as large as Philadelphia, there will never be one simple solution to solve each social issue that plagues our city. Evictions will likely continue to be a problem and many Self-Help Evictions may continue to occur without ever being reported to the Police. However, when they are reported, the Police should be prepared to act in accordance with policy. Directive 3.17 provides the authority for the Philadelphia Police Department to protect residents against sudden homelessness by way of Self-Help Evictions. Understanding the crucial role the Philadelphia Police Department's officers have as the first responders to Self-Help Evictions is integral in the department's overall efforts to reestablish trust in the PPD.

The Philadelphia Police Department's directive 3.17 is sufficient, however the practice and customs can be improved. The benefit for the PPD of an improved police officer response to Self-Help Evictions will be monumental as there will be a significant decrease in the time and resources spent on repeat interactions after the tenant has requested emergency support. In the case study referenced, the tenant placed three calls to 911, several calls to the PAC, and then the PAC called the corresponding district twice and physically went to the tenant's home with officers before the police officers understood and appropriately responded to the coercive Self-Help Eviction. By the time the PAC arrived, the tenant had lost trust in the police officer's ability to protect him from danger in his own home. It was only the tenant's persistence and contact of another agency that allowed him to maintain his home. The first call to the Philadelphia Police Department could, and should, have rectified this matter by recognizing the maintenance work as indicative of a more complicated intention by the landlord. The Philadelphia Police Department had a duty to recognize, stop, and rectify the Self-Help Eviction actively occurring.

It is the PAC's hope that these recommendations, combined with several other city-wide initiatives to address the eviction and homelessness crisis, could begin to provide a more holistic, supportive, and fair service to our marginalized tenants. By properly practicing Directive 3.17, not only are citizens' access to their homes restored in minimal time, the trust in the PPD's ability to provide adequate justice where their authority allows is reaffirmed.

Understanding the relationship between adequate policing and poverty prevention are essential in a City with as much potential, but also scarcity of resources, as Philadelphia. By responding appropriately in practice to what is already policy, the Philadelphia Police Department has a great opportunity to begin restoration in trust from communities by acting in their authority to reestablish justice and strengthen legitimacy as an agency.



CITY OF PHILADELPHIA

Police Department
HEADQUARTERS, FRANKLIN SQUARE
PHILADELPHIA, PENNSYLVANIA

Richard J. Ross, Jr.
Commissioner

February 8, 2019

Hans Menos
Executive Director
Police Advisory Commission
1515 Arch Street, 11th Floor
Philadelphia, PA 19107

Re: Response to December 26, 2018 Report of Investigation Regarding Self Help Evictions

Dear Director Menos:

The Philadelphia Police Department has reviewed the above report. First, let me say thank you for bringing this important matter to our attention. This report is an example of how the Police Advisory Commission can constructively aid the Philadelphia Police Department in its mission to provide the highest quality police service to our citizens.

As you made clear in your report, self-help evictions are often a complicated incident for an officer. That complication has been further compounded with the introduction of the relatively new crime involving the theft of residential real estate and City Code Section 10-840, "*Criminal and Defiant Trespassers*." The PPD had proactively issued a separate policy to deal with this crime, but without doubt, these matters can be trying for responding officers. That said, please allow me to respond to your recommendations.

Regarding the series of recommendations 1 through 1.5, the PPD has already begun an education campaign distinguishing these two offenses, along with the expected responses of the officers. Additionally the PPD has collaborated with the District Attorney's Office to implement additional training for both officers and detectives. As to creating a media presentation, this is something we will consider based upon funding and other available resources. We would also welcome any assistance you would be willing to provide.

With respect to Recommendation 2, I agree that creating stronger bonds with Community Legal Services and the Tenant's Union Referral Network, could be positive for the PPD. We will explore arranging a possible training session for our Community Relation Officers. Based upon your experience with these two groups, we would appreciate any assistance in coordinating a meeting to discuss this issue further.

Recommendations 3 and 3.1 appears to be an expansion of those recommendations involving the Community Relations Officers found in section 2. The PPD will explore the possibility of these recommendations based upon funding and available resources.

Recommendations 4 and 4.1 involves the Tenant's Referral Notice (75- Misc. (11/12)). It appears PAC examined an outdated version of this card that was photocopied. The notice is actually printed on small cardboard-type paper as was recommended. The PPD will ensure that these notice cards are properly distributed from the PPD warehouse to the Districts and will consider the changes when re-ordering from the printer in the future.

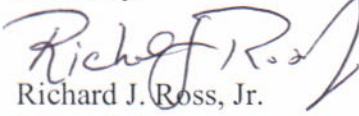
With respect to Recommendation 5, the PPD remains committed to collaborating with external stakeholders regarding overall eviction issues. The PPD, through my Special Advisor, participated on the *Mayor's Taskforce on Eviction Prevention*. As you acknowledged, the current policy is clear on the expectations of officers when responding to calls for self-help evictions. However, it is the PPD's responsibility to ensure this policy is properly communicated and understood by our officers. As mentioned above, the PPD has already begun this process. With regards to Recommendation 5.1, the Department's current policy is very clear that no evictions will occur without a *Writ of Possession*. This policy was intentionally designed to allow officers to err on the side of the tenants when an officer cannot confirm a lawful eviction has occurred. Finally, the PPD believes that PAC's recommendation to insert an immunity statement regarding discipline into this operational directive is unnecessary, but also inappropriate. The PPD Disciplinary Code requires officer to comply with all departmental directives and orders. Therefore, the PPD, respectfully, rejects this recommendation.

Recommendation 6 is a very good idea and was debated in the *Mayor's Taskforce on Eviction Prevention*. We will explore the implementation of a new tracking code for these incidents, along with the necessary training. Regarding Recommendations 6.1 and 6.2, the PPD, respectfully disagrees with your interpretation of City Code Section 9-1600 and, thus, rejects these recommendations. Specifically, Section 9-1604, regarding the restoration of possession, does not empower police officer to interact with utility companies for the restoration of power and other services. To infer that these powers exist, we believe, is an overreach and must be rejected. The ordinance is clear that tenants may get the assistance of local police in regaining entry only.

Recommendations 7, 7.1 and 7.2 involves a verification system to confirm the legitimacy of eviction orders directly with the court. This concept is interesting and we are will consider it in light of current funding and available resources. We also welcome any assistance you are willing to provide in working with the courts. You also mention that without a confirmed, lawful eviction, PAC would have officers "*err on the side of the complainant/tenant.*" Please be advised, as mentioned above, that the Department's current policy is very clear that no evictions will occur without a *Writ of Possession*. This policy is and has always been designed to err on the side of the complainant/tenant.

In closing, I just want to thank you again for bringing this matter to our attention. This report is an example of how the Police Advisory Commission can constructively assist the Philadelphia Police Department in its mission to provide the highest quality police service to our citizens. In addition, I look forward to your help in working collaboratively on the specific recommendations identified.

Sincerely,


Richard J. Ross, Jr.
Commissioner