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October 23, 2020

Dear City Council,

Thank you very much for your leadership regarding the creation of a new Citizens Police Oversight Commission (CPOC). Police oversight is an integral part of public safety and will be transformative in the reimagining of policing in Philadelphia. Clearly, City Council recognizes this necessary and vital function and is committed to providing this safety mechanism to Philadelphia residents. The PAC staff and commissioners have unique insight and expertise into policing in this city and we look forward to working with City Council and other city leadership to craft a future for police oversight in Philadelphia. Please accept this plan which includes organization, powers, and a budget, as a starting point for what a new agency might look like and would cost, to ensure the best return on investment. It is a blended model taking elements from Chicago, New York, and other places around the nation, along with what we believe is best practices for Philadelphia's unique needs. We look forward to discussing this plan and any other questions Council may have as individuals, or as a whole body, to help ensure Philadelphia makes the most of this opportunity.

Sincerely,

Hans Menos

Executive Director

Police Advisory Commission

Anthony Erace

Acting Executive Director

Police Advisory Commission

## **Organization**

In order to meet the demands of the residents of the city, the CPOC should consider at least six distinct units.

- **Special Investigations Unit:** This unit would continue to focus on policy, practice and customs continuing the PAC's current work.
- **Misconduct Investigations:** This would be the largest unit and would serve as the front-line investigators to cases of police misconduct. The unit would be organized by teams with supervisors who were dedicated to ensuring quality and fairness in investigations.
- **Community Engagement Unit:** This unit would be dedicated to community engagement through events, training and general outreach.
- **Research & Analysis:** This unit would support to the entire organization to ensure that data was infused in all aspects of decision making.
- **Audits:** This unit would assess the work product of the Philadelphia Police Department by auditing any investigation it led.
- **Administrative Prosecution Unit:** This unit would focus on presenting completed investigations to any hearing board which exists. It could supplant or support the current Police Department Advocate; however, it would be staffed with attorneys.
- **Training Unit:** This unit would help train new and existing staff and provide training to incoming staff and students.

## **Powers and Funding**

In order to meet the needs of Philadelphia residents, the Commission would need significant powers. Attached, is a sample of some powers to be considered<sup>1</sup>. Additionally, the funding for CPOC should be guaranteed to be *at least* 1 % of the Police Department's budget. This would ensure minimum staffing needs could be met and would itself ensure independence while insulating the city from disproportionate increases or decreases in police budgets. That said, a budget of 1.5-2% of the Police Departments budget is what is required to fully meet the mandate. Attached as addendum 2 is a sample staffing plan and budget.

## **Addendum 1:**

### **Powers of the Citizens Police Oversight Commission**

In order to meet the needs and demands of the residents of the city, the Citizens Police Oversight Commission should have the power to initiate and conduct individual and systemic investigations and actions, including:

- a. To receive and file all complaints made against members of the Philadelphia Police Department.

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<sup>1</sup> See Addendum 1

- b. To issue subpoenas and compel the attendance of witnesses or the production of documents and other evidence in support of any investigation, all as provided by section 8-409 of the Home Rule Charter.
- c. To conduct investigations into complaints against any member of the Philadelphia Police Department which allege
  - a. Lack of service
  - b. Verbal abuse
  - c. Domestic violence
  - d. Use of Force
  - e. Coercion
  - f. Abuse of authority
  - g. Discourtesy
  - h. Abusive language
  - i. Abuse of authority
- d. To conduct investigation into accusations related to 4<sup>th</sup> amendment violations (searches, car stops, pedestrian stops)
- e. To conduct investigations into all use of force, including the discharge of a firearm, ECW/Taser or the use of any other weapon.
- f. To conduct investigations into injuries or deaths of people while detained or in custody of the Police Department.
- g. To conduct investigations of incidents that involve injuries arising from police action, including but not limited to efforts to subdue and apprehend suspects.
- h. To recommend discipline for any officer who refuses to timely comply with a subpoena to testify or to produce documents issued by the Commission
- i. To retain counsel where necessary, including for the enforcement in court of subpoenas to testify or to produce documents
- j. To conduct investigations into any other incident where an officer is involved in the death of another person within the City of Philadelphia whether they are on or off duty.
- k. To review any settled lawsuits, claims or other settlements involving the Police Department or a Police Officer, with the explicit purpose of considering whether to open an investigation into the facts of the alleged misconduct
- l. To review any police documents, including but not limited to police complaint history and internal investigations, in order to inform investigations involving individual officers or Department policy and practice.
- m. To recommend discipline or remedial action to the Police Commissioner or other entity empowered to impose discipline on an officer or direct Police Department policy.
- n. To, via a separate administrative prosecution unit, present cases to any disciplinary board convened and or to the PPD Commissioner or City Council.
- o. To recommend discipline or other remedial action for officers who fail to intervene or fail to provide truthful information regarding the misconduct of another officer.
- p. To upon its own volition or on the request of City Council (), present findings or appeal disciplinary decisions not in line with its findings.

- q. To review any internal police documents, including but not limited to any Internal Affairs Division Files.
- r. To conduct investigations related to patterns, policy and practice of the Police department. These investigations can be related to misconduct, policy, training, practice and customs.
- s. To review and reopen any prior investigations closed by the Internal Affairs Division of the Philadelphia Police Department
- t. To have direct access via login credentials, to police files including body worn camera footage, personnel records, discipline records and shift schedules. Specific logins shall include:
  - a. Evidence.com/ Commander
  - b. IA pro-unredacted version
- u. To, in Partnership with the Quattrone Center for the Fair Administration of Justice, convene a Sentinel Event Review Team and to maintain a confidential review process until a final report can be completed.
- v. To serve as a conduit between the DAO SIU and the residents of the city in matters which may include criminal as well as administrative violations.

## Addendum 2: Sample Budget

[illegible]

[illegible]

Investigator I	65,000.00
Investigator I	65,000.00
Investigator I	65,000.00
Investigator I	65,000.00
Investigator I	65,000.00
Investigator I	65,000.00
Investigator I	65,000.00
Investigator I	65,000.00
Investigator I	65,000.00
Investigator I	65,000.00
Investigator I	65,000.00
Investigator I	65,000.00
Investigator I	65,000.00
Investigator I	65,000.00
Investigator I	65,000.00
Investigator I	65,000.00
Investigator I	65,000.00
Investigator I	65,000.00
<b><u>Community Engagement Unit</u></b>	
Communications Director	110,000.00
Deputy Communications Director	80,000.00
Social Media	50,000.00
Community Liaison	50,000.00
Community Liaison	50,000.00
Community Liaison	50,000.00
Community Liaison	50,000.00
Community Liaison	50,000.00
<b><u>Research and Analysis</u></b>	
Director	120,000.00
Data Analyst	80,000.00
Data Analyst	80,000.00
Data Analyst	80,000.00
Data Analyst	80,000.00
<b><u>Audit</u></b>	
Director	110,000.00
Senior Auditor	75,000.00
Auditor	55,000
Auditor	55,000

Auditor	55,000
Auditor	55,000
Auditor	55,000
Auditor	55,000
Auditor	55,000
Auditor	55,000
Auditor	55,000
Auditor	55,000
Auditor	55,000
Auditor	55,000
<b><u>Administrative Prosecution Unit</u></b>	
Director	120,000.00
Senior Admin Prosecutor	110,000.00
Admin Prosecutor	85,000.00
Admin Prosecutor	85,000.00
Admin Prosecutor	85,000.00
Admin Prosecutor	85,000.00
Admin Prosecutor	85,000.00
Admin Prosecutor	85,000.00
<b><u>Training Unit</u></b>	
Director	120,000.00
Manager	90,000.00
Trainer	65,000.00
Trainer	65,000.00
Trainer	65,000.00
<b>Staff Total</b>	<b>8315000</b>
Other than personel Costs	
Technology (computers, tablets, cell phones)	250,000.00
Pool Vehicles	600,000.00
other	300,000.00
<b>Total</b>	<b>9465000</b>

