

The background of the page is a photograph of the Philadelphia City Hall facade, rendered in a blue color scheme. The building's intricate architectural details, including its columns, arches, and statues, are visible. A large yellow shape, consisting of a vertical bar on the left and a curved shape on the right, is overlaid on the image.

Collaborative Review and Reform of the PPD Police Board of Inquiry

PART 2

Executive Summary



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Part 1 of the Collaborative Reform and Review of the Philadelphia Police Department (PPD) Police Board of Inquiry (PBI) resulted in major reforms to the FOP contract to allow for CPOC to review discipline charges, have civilians sit as adjudicators on PBI panels, and have civilians outside of PPD administratively prosecute discipline cases. Any one of these changes would have represented a major reform to the PPD disciplinary process, but to accomplish all of them with one report was an important achievement for CPOC and PPD. Moreover, these reforms show that with commitment and collaboration, real changes that improve police accountability are possible. This follow-up report uncovers the following findings and more:

- The use of training and counseling as an outcome for sustained misconduct has significantly decreased from its prior use in 76% of cases to its current use in 34.9%. Training and counseling is also used in much narrower circumstances, which means that more officers are receiving discipline charges for misconduct.
- Amendments to discipline charges are only done in concert with the PBI panel. Previously, charges could be dropped during plea negotiations. The charging and hearing processes have been revised so that if charges need to be amended or added once they have been given to an officer, this can occur during a hearing if the PBI panel believes it is necessary.
- A 12% decrease in the disciplinary lifecycle. The average amount of time it takes for a misconduct investigation to move through the investigation and discipline charging processes has decreased over time but remains high. For cases received at PBI in 2022, the average length of time to go from the complaint being received at IAD, through the investigation, reviews, and charging was 409 days – down from 463 in 2017.
- Relatedly, survey respondents reported being significantly less likely to file a complaint if they knew that the investigation and penalty process would take more than one year; they reported being significantly more willing to file if the process took less than six months. PPD must continue to find ways to consistently shorten the investigation and discipline process to increase the likelihood that residents will report misconduct.

- Civilian impact on PBI hearings is still being analyzed. The question of what impact the presence of civilians on PBI panels has had on discipline outcomes is important, but unfortunately, CPOC does not currently have a large enough dataset to answer this question.
 - Often, PBI hearings do not occur as scheduled. From March 28, 2022, to March 29, 2023, 109 of the 229 scheduled hearings did not occur for a variety of reasons, such as further investigation needed, scheduling problems, additional charges needed, and other reasons.
 - 68 hearings occurred, some of which were guilty plea hearings for serious misconduct not eligible for command level discipline. In these guilty plea hearings, the PBI panels only determined recommended discipline.
 - The remaining 52 cases were for less serious misconduct resolved with guilty pleas and command level discipline instead of a hearing. These command level discipline resolutions are binding and cannot go to arbitration in the future.
- CPOC has begun advertising when PBI hearings are open to the public so community members can observe them. This information was previously not easily accessible.
- CPOC and PPD will continue to engage in process improvement. There are additional ways to modernize PBI processes that can be explored, such as digitizing voting sheets used during PBI hearings.

Long-established processes at large institutions such as the PPD are not transformed overnight. While the collaborative review of PBI has been able to accomplish some unprecedented reforms in a relatively short amount of time, there is still work to be done to analyze the outcomes of the implemented changes on a rolling basis. CPOC and PPD will continue to assess PBI operations to ensure that the discipline process remains consistent, thorough, and effective. This project is ongoing and represents the type of oversight work that CPOC will continue pursue throughout the expansion of the agency: data-driven, collaborative, and most importantly, impactful.

CPOC thanks PPD for their ongoing collaboration on this project. Thanks to Command Staff and PBI Staff for reviewing and editing this report. This report was drafted and edited by Janine Zajac, CPOC's Director of Auditing and Monitoring, and Kimberly Krane, CPOC's Senior Auditor/Monitor. Data analysis was conducted by Joshua Koehnlein, CPOC's Senior Research Analyst.

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Introduction

The publication of the PBI Collaborative Reform Report in June of 2021, which was developed in partnership with the PPD, pushed forward unprecedented reforms in the police discipline system. The goal of the report was for CPOC to provide transparency about PPD's disciplinary process and to pinpoint exactly which processes within the Department contribute to missed opportunities for accountability. The report provided the Department with many detailed recommendations to create a more effective and equitable disciplinary process, and to increase both officer and public trust in the procedures. In a demonstration of commitment to collaboratively reform the disciplinary process, the PPD accepted all the recommendations.

This report (Part 2) functions as an update to the original report; Part 1 was extremely successful in furthering changes in how the PBI, the PPD unit that manages the disciplinary process, operates. CPOC wants to acknowledge and share where progress has been made while also highlighting future opportunities for additional improvements. This report provides an update on where PPD stands in implementing each recommendation made in Part 1. Additionally, CPOC has included some lessons learned through the past year of implementing these reforms. Finally, this report presents a handful of additional recommendations for the PPD to further improve the disciplinary process.

Part 1 of this report broke new ground as a large-scale collaborative reform project between CPOC and the PPD, and it signaled a willingness from the PPD to share resources and a commitment to driving discipline reform forward. CPOC is proud to share all the changes that have been made as a result of this effort, and looks forward to continuing our collaboration with PPD in pursuit of a more just disciplinary system for Philadelphia's law enforcement.



Section 1

Update on Recommendations Given in Part 1, by Objective

OBJECTIVE 1 – INVESTIGATIVE OUTCOMES AND COMMAND LEVEL DISCIPLINE

The original goals of this objective, designed in 2019 at the conception of this collaborative review, focused on Internal Affairs Department (IAD) operations: how allegations of misconduct are analyzed, comparing outcomes of IAD investigations, and similar operations at police departments around the country. Although these are worthy areas of study, they ultimately exceeded the capacity of CPOC for this review. IAD is a very large operation at PPD and although IAD and PBI both pertain to the disciplinary process, IAD and PBI are separate entities that operate distinctly from each other. Once CPOC focused on PBI operations as a result of Part 1 of this report, it became clear that assessing the investigative piece of the disciplinary process (IAD) would need to be a separate project tackled once CPOC's capacity expanded. As CPOC's capacity grows, specifically in the Auditing and Monitoring Unit and Investigations Unit, the original goals of this objective related to consistency and fairness in investigations and discipline will continue to be explored and examined.

OBJECTIVE 2 – PBI CHARGING UNIT

All sustained complaints against police are forwarded to the PBI Charging Unit for review. According to PPD Directive 8.6 (Appendix 1), the Charging Unit "shall review all completed reports, statements from civilian or police complainants, all witness statements, radio logs, patrol logs, and all other pertinent information to enable the PBI Charging Unit to make appropriate charging decisions. At that time, the unit will either (a) authorize the officer to receive formal training and counseling to address the misconduct or (b) authorize formal disciplinary charges."

The PBI Charging Unit is a critical point in the disciplinary process, as it receives all sustained allegations of police misconduct. The PBI Charging Unit currently has great influence over which cases are forwarded through the process to receive further consideration for discipline. If procedural flaws occur at the charging stage, it can greatly impact the outcome of misconduct allegations. Generally, the following recommendations were made to implement additional levels of review at the charging stage to ensure thorough and accurate charging, as well as to create formal guidance for the use of training and counseling as a discipline diversion.

Recommendation 1: The PPD should draft, in collaboration with CPOC, a more comprehensive policy that narrows the circumstances in which training and counseling can be used as an alternative to formal discipline charges. **In progress.**

Training and counseling is a non-disciplinary outcome that is used to resolve some types of sustained misconduct. The PBI Charging Captain has discretion to resolve sustained allegations of misconduct via training and counseling as opposed to formal discipline. Training and counseling is a process that consists of a formal meeting between an officer and their commanding officer(s) in which they discuss the officer's conduct and counsel them about it. Training and counseling is not considered discipline but can be used in future disciplinary proceedings to show that an officer was previously put on notice about a particular issue.

In Part 1, CPOC discussed the criteria that the previous PBI Charging Captain used to determine when to use training and counseling. These factors were not memorialized or included in any departmental directive or operating procedures but were considered part of the discretion inherent in the role of PBI Charging Captain. Because training and counseling had been used too frequently in, and in some cases, very disparate circumstances, a recommendation in Part 1 was to develop guidelines to narrow the use of training and counseling. The goal of this was to ensure officers are formally disciplined when appropriate and increase consistency across misconduct cases over time, especially when the role of PBI Charging Captain changes hands over time.

Each case is unique, and so it is important that the PBI Charging Captain continues to have discretion when choosing to use training and counseling instead of formal discipline. Many factors can and should be considered, such as the individual

officer's discipline history and the nature of the incident, to name a few. However, guidelines can help bring some consistency and will allow for officers and residents to better understand what to expect out of the disciplinary process. In order to maintain consistency regarding the use of training and counseling, these informal guidelines are currently used, and should continue to be used by future captains of the PBI Charging Unit, when determining how to apply training and counseling as an outcome for misconduct.



Training and Counseling can be used as an alternative to formal discipline charges if:

1
If the accused officer has no prior similar offenses and the infraction is minor, like an administrative issue related to paperwork.
EXCEPTION: If the administrative issue causes undue inconvenience, financial burden, or potential trauma to the complainant/victim.

2
If an officer is being held responsible for not preventing an action of their partner.
Example: The passenger/recorder in a police vehicle could receive training and counseling for not intervening when their partner/driver engaged in unsafe or improper driving.

3
Mitigating factors related to the circumstances of the incident are sometimes considered.
Example: Officers used profanity during a chaotic and riotous incident and profanity was not directed at anyone.

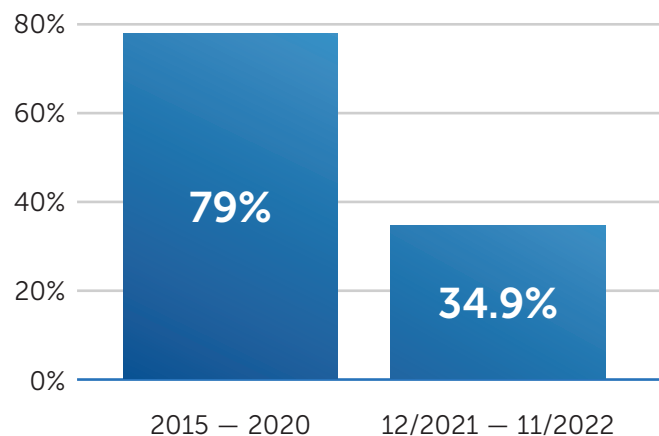
4
Officers found to have violated the PPD’s body-worn camera policy receive training and counseling for their first violation only, and a discipline charge for any subsequent violation.



Additional Outcome:
The use of training and counseling has decreased over time.

The data analysis conducted for Part 1 showed that between 2015 and 2020, training and counseling and was used to resolve 76% of sustained allegations of misconduct in CAPs. Charging reviews conducted by CPOC in 2022 showed a significant decrease in the use of training and counseling to resolve sustained misconduct. This means that more officers have received formal discipline charges for their misconduct. Training and counseling is now used in 34.9% of cases. This outcome is due to training and counseling being used in more specific circumstances, generally adhering to the guidelines listed above.

Use of Training and Counseling Over Time



A review of discipline data showed that training and counseling was used to resolve 79% of sustained allegations. After Part 1, a new PPD member was brought in to serve as the commanding officer of the PBI Charging Unit.

Since then, the use of training and counseling has significantly decreased, and during this review period it was used to resolve 34.9% of sustained allegations.

Additional Outcome: Training and Counseling Memos are now more detailed and comprehensive.

Additionally, the use of training and counseling has improved in that training and counseling memos now include many more details than they included previously. Training and counseling memos formerly contained little to no information about the incident and/or misconduct involved. Though training and counseling is not considered discipline, it is an important part of an officer's record because it is intended to serve as notice to an officer about a particular issue. Without any particular issue being listed on the memo, it could be difficult to demonstrate what exactly an officer was trained and counseled about.

Now, a training and counseling memo includes the same amount of detail as a formal charging document. This creates a more complete record of the officer's problematic conduct and memorializes exactly what the officer was instructed to do to modify their behavior. This will help monitor officer misconduct over time and allow for future instances of misconduct to be more easily charged appropriately.

Recommendation 2: In bringing charges against PPD personnel for sustained misconduct, the charging authority should bring all charges that are applicable. **Implemented.**

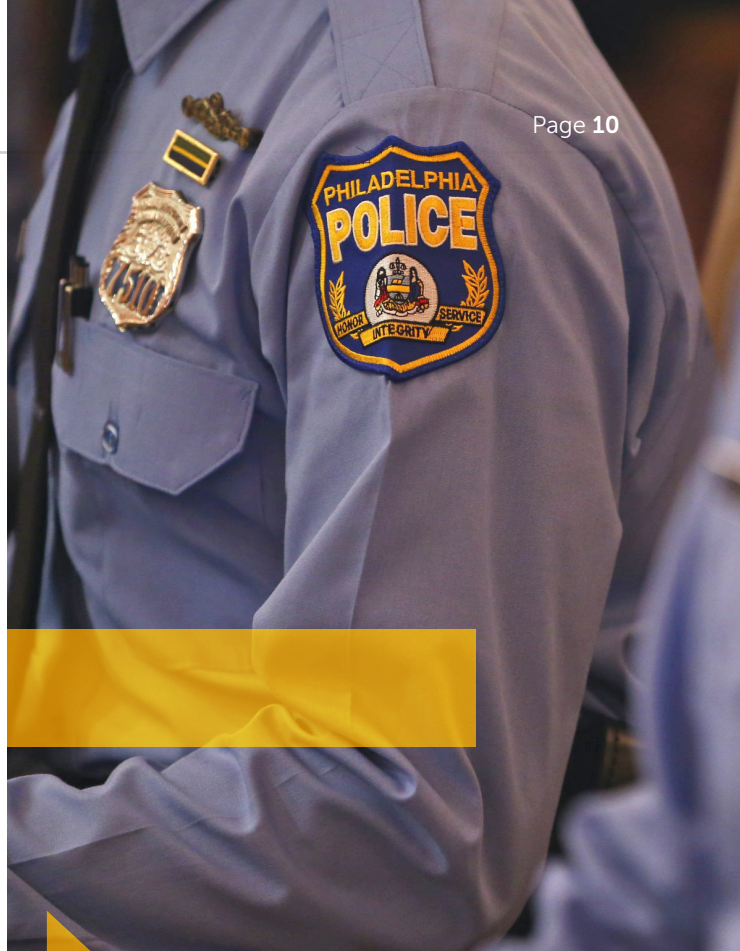
Recommendation 3: Before discipline charges related to CAPs are delivered to an officer, CPOC should review the charges to ensure accuracy and completeness. **Implemented.**

A comprehensive review of discipline cases for Part 1 identified instances in which inaccurate charges were used to resolve discipline cases. Inaccurate charges are problematic for a few reasons. First, the specific disciplinary charge brought against an officer determines the severity of the potential discipline to be imposed. Receiving a less serious charge when a more serious charge is appropriate can allow an officer to receive less discipline than may be warranted. Further, inaccurate charges can allow an officer's repeated conduct to be camouflaged. Additionally, a close review of PBI cases in Part 1 found that some officers were found "not guilty" at PBI hearings solely because of problems with the charges brought against the officer.

To avoid charging inaccuracies, CPOC proposed a few solutions in Part 1 which were accepted by the PPD. The first solution was to have CPOC staff review all discipline charges for citizen complaints against police (CAPs). This recommendation was accepted, and this reform was written into the FOP contract finalized in September 2021 (Appendix 2).

“Disciplinary changes may be determined by an individual or committee determined by the City which may include City personnel outside bargaining unit and/or individuals under contract with the City who agree to be subject to confidentiality restrictions.”

— Change to FOP contract, 9/14/21



Outcome:
A CPOC staff member now reviews discipline charges for all citizen complaints against police.

In December 2021, CPOC designated a staff member to weigh in on CAP discipline charges. The charging review process is as follows:

The PBI Charging Unit Captain reviews each case file completely to get a thorough understanding of the complaint and the misconduct that is present. The PBI Charging Unit Captain also reviews the officer's discipline history. The PBI Charging Unit Captain then makes a recommendation for which charges to apply for the sustained misconduct and sets it aside for CPOC review. A CPOC staff member then thoroughly reviews each case and can agree or disagree with the PBI Charging Unit Captain's recommendations.

PBI Charging Reviews at a Glance

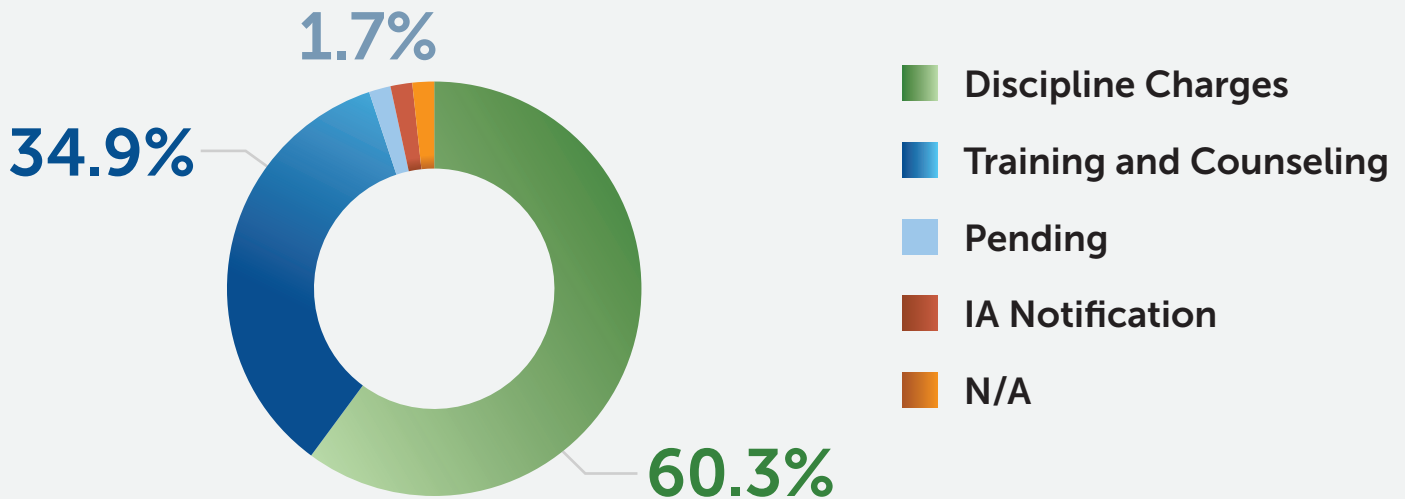
For Complaints Against Police (CAPs) made by citizens* for which investigations were completed and received at the PBI Charging Unit between 11/01/2021 and 11/30/2022.



*The PBI Charging Unit also reviews sustained allegations of misconduct related to internal investigations, which arise from supervisors reporting misconduct, administrative issues, or conflicts between officers. CPOC does not review discipline charges for internal investigations.

Breakdown of All Discipline Outcomes for CAPS Reviewed

CPOC reviewed a total of 271 cases involving 495 officers with sustained misconduct. Some officers had multiple sustained allegations, with multiple discipline outcomes. This chart shows the breakdown of all discipline outcomes for the CAPs reviewed.



If there is disagreement about which charges are appropriate, the PBI Charging Unit Captain consults with the Deputy Commissioner for Investigations to resolve it. The review process is the same for cases that will be resolved with training and counseling for the officer, as opposed to discipline.

In reviewing charges, disagreements between the PBI Charging Unit Captain and CPOC are uncommon. For the 670 sustained misconduct allegations reviewed, the CPOC staff member and the PBI Charging Unit Captain disagreed on a proposed outcome only 67 times. For each of these disagreements, a resolution was reached through discussion between CPOC and the PBI Charging Unit Captain.

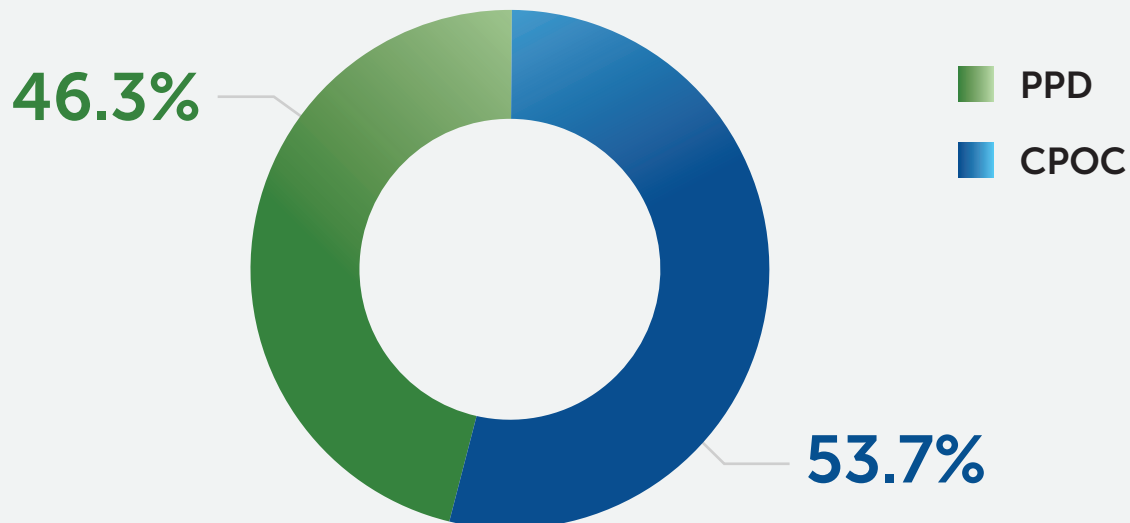
Including a civilian perspective in the charging process has been valuable, as the CPOC staff member is able to view the cases through a

slightly different lens. For example, there was a case in which an officer did not accurately fill out a police report for a vehicle accident. The PBI Charging Unit Captain suggested training and counseling for this, but because the officer's errors on the report led to significant disruption to the complainant, CPOC recommended a discipline charge. After discussing the specifics of the case, CPOC and PPD agreed a discipline charge was appropriate.



When CPOC and PPD Disagreed, What Was the Resolution?

If CPOC and PPD disagreed on how misconduct should be resolved, they discussed the specifics of the case and their reasoning for why an outcome was warranted. Disagreements always led to a resolution. Of the 67 disagreements, CPOC's suggested outcome moved forward 36 times, while PPD's moved forward 31 times.



The goal of increasing oversight of the discipline charging process is to increase accountability – and that is accomplished by strengthening discipline cases so that recommended outcomes are consistent over time. If the cases move on to PBI hearings, they are as strong as possible by the time the hearing occurs.

Additional Outcome:

Cases are now sent back to IAD for more investigation or clarification in order to strengthen them for the disciplinary process.

In some charging reviews, additional information is needed in order to accurately apply a charge or make any charging decisions. For example, an investigation did not address all allegations raised by the complainant, or the report of investigation (referred to as a PC memo) did not clearly state which policy an officer violated or how they violated it.

The CPOC staff member requested that 29 out of the 271 cases reviewed be returned to Internal Affairs for additional investigation or

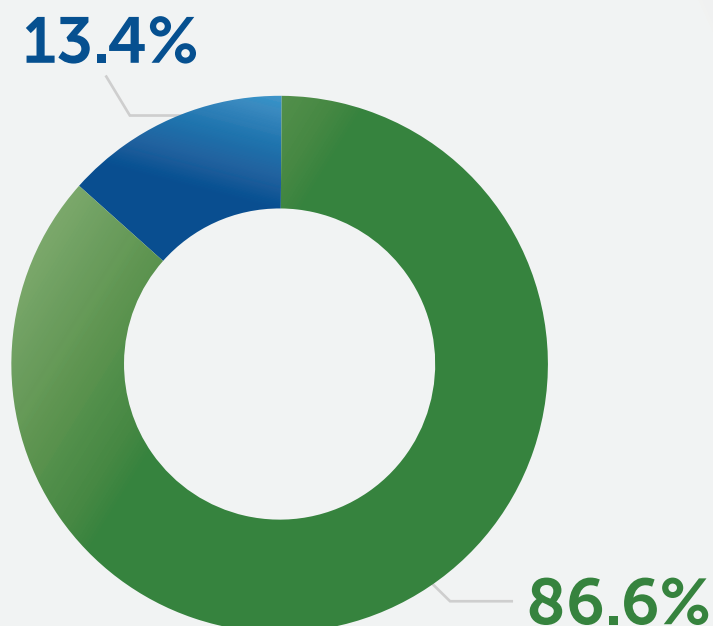
clarification. These send back requests were always discussed with the PBI Charging Unit Captain first to determine if the case truly needed to be sent back. The PBI Charging Unit Captain will also request to send cases back to Internal Affairs before completing his review of the cases. The goal is to ensure that the cases that are being pushed through to the final stages of the discipline process are consistently thorough and unimpeachable.

Cases Sent Back to IAD

CPOC reviewed 271 CAPs and sent 29 back for additional investigation. This was done most often when an IAD investigation failed to address every allegation present in the complaint, or if the investigation did not clearly indicate that a policy violation occurred.

It should be noted that CPOC reviewed only cases that had at least 1 sustained allegation of misconduct, meaning only cases that started with sustained misconduct could potentially be sent back for more investigation.

■ Returned to IAD
■ Not Returned



Although returning cases to IAD causes additional delays in cases being completed, an additional delay is the best option when the alternative is to send a case forward that cannot be properly disciplined or will result in a not guilty finding at a PBI hearing because of flaws in the investigation. It should be noted that as of the date of his report, 6 of the 29 cases sent back to IAD in 2022 have not yet been returned for final charging reviews.

As CPOC operations expand and agency capacity grows, a goal is to review IAD investigations before they are finalized and sent into the discipline process. This would bring oversight into misconduct investigations much earlier than it has existed before and would decrease the number of cases that need to be sent back to IAD from PBI. This would also allow for reviews of all CAP investigations for completeness, not just the ones with sustained allegations, as is currently done through PBI charging reviews.

Additional Outcome: **Discipline charges can be added during a PBI hearing.**

Another solution to strengthen the discipline charging process that came out of Part 1 was the ability for PBI panels to add discipline charges to a case during a hearing if the panel believes a different or additional charge will best cover the officer's misconduct.

CPOC hopes that the additional level of oversight during the discipline charging stage will reduce the amount of cases that require an addition and/or substitution of charges. Currently, there are PBI cases still being heard that had discipline charges drafted by the previous commanding officer of the PBI Charging Unit, who has not held that position since mid-2021. The PBI backlog is discussed in more detail later in this report.



“During the course of the hearing, if the PBI Board learns of information that would necessitate additional and/or different charges or wishes to remand for further investigation, the Department Advocate may amend the charges during the hearing or request a continuance to amend the disciplinary charges and/or remand for further investigation [...]”

OBJECTIVE 3 – PBI DEPARTMENT ADVOCATE PROCEDURES

The following recommendations relate to procedures for PBI hearings, from administrative aspects such as scheduling and start times, to recommendations as to who should sit on PBI panels as deciders of fact and what tools they should use to make their decisions. Objectives 3 and 4 of this report have some overlap, as the procedures of the PBI Department Advocate and the procedures during PBI hearings in general are inherently linked.

Recommendation 4: Notifications to complainants and witnesses should be checked for accuracy and sent across several avenues such as text message, telephone and email. To enhance the accountability of this process, staff should sign logs attesting to accuracy review and additional investigation to locate new contact information if needed. Without a log, it would be difficult to determine which individual contributed to the faulty notification. **Implemented.**

Recommendation 5: The PBI Department Advocate should request continuances to ensure notice was given to complainants and witnesses and that forwarding addresses are accurate. **Implemented.**

Since the publication of Part 1, PBI staff have begun using a simple contact log sheet for each PBI case. The log is used to document contact attempts to witnesses/complainants in the case. The contact attempts include certified mail, regular mail, and email, if there is an address listed in the IAD file. Using email to contact civilians is new since the publication of the report, and the Department has been successful in getting responses from civilians this way. All correspondence is included and maintained in the PBI file. PBI staff also document contact attempts via phone on the log. Sometimes PBI staff do not receive notice via USPS that an address for a civilian is incorrect until after hearing has occurred, when they receive a returned letter. If they do not receive any response from complainants or witnesses and have notified them at least 30 days in advance, they do not spend time looking for more contact information or requesting continuations to ensure notice was given. They do, however, request continuances for cooperative complainants and witnesses, such as if they respond and say they have a scheduling conflict. A copy of the contact log sheet is included as an appendix to this report (Appendix 3).

Outcome:

Staff at PBI use a contact log sheet for each PBI case to document contact attempts to witnesses/complainants in each case to enhance accountability. PBI staff are contacting complainants via email as well.

Recommendation 6: PBI hearings should begin promptly at their scheduled start times. **Implemented to the extent possible.**

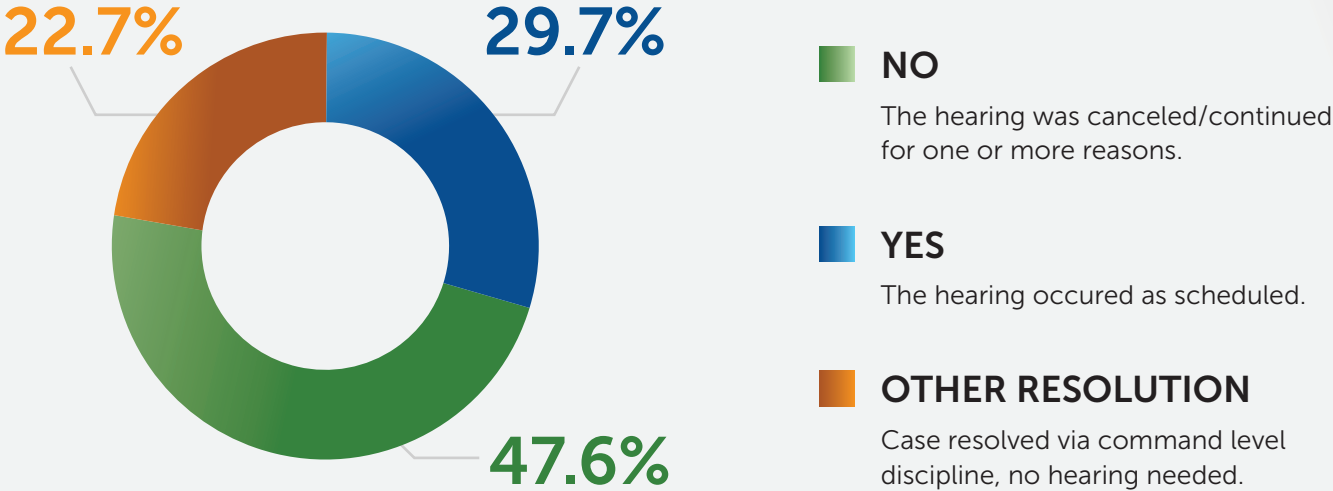
This is a best practice and occurs when possible, but various factors make this difficult to control in reality. PBI receives the attorney list for upcoming PBI hearings a week in advance, but sometimes FOP attorneys are unable to appear due to scheduling conflicts, such as being required to appear in criminal or civil court for other matters. At other times a conflict issue may arise, disrupting scheduling. However, even if a PBI hearing cannot occur on a given day because of an issue such as an FOP attorney not being available, PBI can still handle command level discipline (CLD) cases, so they are still able to make progress on their caseload.

In January 2022, CPOC staff began sitting on PBI panels for citizen complaints against police as well as internal investigations. In March 2022, CPOC began utilizing a survey to gauge different metrics about the PBI process (Appendix 4); every staff member who serves on a PBI board is supposed to fill out the form after each hearing. CPOC staff uses this survey to collect qualitative information and help identify any holistic issues that need to be addressed. Hearings are supposed to begin at 10:00 AM; of the 54 hearings captured in the CPOC survey, the average start time was 11:00 AM.

The PBI Department Advocate also provided data about PBI hearings that occurred or did not occur. From March 28, 2022 to March 29, 2023, there were 229 PBI hearings scheduled. Of these 229 scheduled hearings, 52 cases (22.7%) were resolved with command level discipline instead of a hearing, which are binding outcomes that cannot go to arbitration in the future. 68 hearings occurred (29.7%), some of which were guilty plea hearings/colloquies in which the PBI panels only determined appropriate discipline.

The remaining 109 of the 229 scheduled hearings (47.6%) were cancelled/continued for a variety of reasons, such as further investigation needed, scheduling problems, pending lawsuits, and other reasons. The most common reason for a hearing being canceled/continued was that the case needed to be sent back for recharging. This occurred 30 times.

Did PBI Hearings Occur as Scheduled?



Recommendation 7: All individuals with relevant information should be asked to attend hearings and at times, expert testimony should be provided. **In progress.**

In the cases that have been heard thus far, missing witness or expert testimony has not come up as an issue in our PBI survey. As CPOC continues to evaluate PBI hearings as they occur, this point can be added to the post-PBI hearing survey so that staff can specifically note if there are any instances in which any individuals or potential expert witnesses were not contacted to participate in a hearing.

Recommendation 8: The PPD should include civilians as discipline hearing adjudicators and should include this in negotiations with the FOP so that civilians can participate regardless of what provisions are included in the final CPOC legislation. **Implemented.**

There were many reasons why CPOC felt it was important to include civilians on the PBI panels for discipline hearings. A survey sent to PPD personnel eligible to serve on PBI panels (Appendix 5) was especially revealing. Some survey respondents mentioned the power dynamic inherent to the rank structure of the PPD, noting that officers felt pressured to agree with the superior officers on the panels.

Objectivity was another concern. The shared experiences as law enforcement that give PBI board members the ability to understand a law enforcement encounter may influence their ability to view the allegations against the accused officer objectively. Several survey respondents agreed with this sentiment and noted that adding civilians to the PBI hearing board could help eliminate perceived bias within PBI hearings and increase transparency. Further, no other City employee has the benefit of having their discipline recommendations made solely by members of their own department, nor is this practice in line with other major police departments, which have civilians involved in the disciplinary process in various capacities.

Part 1 of this report recommended that civilians be included on PBI panels, and that this point be added into the FOP contract negotiations. The FOP contract finalized in September 2021 included language to accommodate this reform (Appendix 2):

**Outcome:
CPOC staff members now sit on PBI panels as voting members within the disciplinary hearing process.**

In December 2021, all CPOC staff attended a training session with all PPD personnel who sit in the pool of possible PBI panel members. The training updated everyone on the changes to the FOP contract that impact the disciplinary process, discussed issues that pertain to arbitration, and prepared all attendees to serve as panel members.

CPOC is waiting to have a larger data set of PBI hearings that have occurred in order to analyze data regarding the impact of civilians on PBI panels.

“PBI panels will be comprised of no less than three members—at least one civilian and two sworn employees of higher rank than the charged employee (in case of discipline against sworn employees). The members of each PBI Board will be drawn from a fixed group of officers and civilians selected by the Commissioner.”

— Change to FOP contract, 9/14/21

Recommendation 9: The PPD should work with CPOC staff to design the qualifications and specifications for the civilian PBI board member role, as well as to interview, select, and train candidates. **In progress.**

CPOC is still in the process of collecting a data set that can be used to determine what impact, if any, the present of civilians on PBI panels has had on discipline outcomes. As many PBI hearings did not occur during the first year of CPOC staff involvement as panel members, the data set currently available is too small to draw conclusions. CPOC is continuing to collect data about PBI hearing outcomes on a rolling basis and will release analysis as soon as it is feasible to do so.

CPOC leadership has contacted the City of Philadelphia Law Department to develop additional training to ensure that all PBI board members are training in relevant topics to help them come to fair findings. This training is being developed. By ensuring that elements of just cause are considered during hearings and deliberations, the goal is to have verdicts that are consistent, fair, and less likely to be overturned at arbitration for preventable reasons.

Recommendation 10: Jury verdict forms with interrogatories should be used to narrow the scope of the PBI board's review. **Implemented.**

This recommendation has been fully implemented, but the PBI Department Advocate noted that ensuring the board members/presidents properly

and thoroughly complete the forms has been a process. The PBI Department Advocate stated that he always explains to the boards that each member should each write their individual explanations for recommending guilty or not guilty, and then their explanation for why they are selecting the specific penalty if they recommend a guilty finding. The PBI Department Advocate also takes steps to ensure that the board president has resources to draft a thorough memo to the Police Commissioner documenting the facts of the case and the votes of the panel by sending a sample of an excellent board president memo so they understand the format they should follow. Further, if a board president seems like they are not responsive to feedback/instruction regarding improving their memos, he will prevent them from sitting on boards in the future.



Recommendation 10-A:

Unspecified charges should be authorized only if the charge is unable to be described in the existing code. When the conduct has not been described elsewhere, the charging documents should include, and the PBI panel should be reminded, that this charge specifically requires the panel to solely determine if the conduct compromised the integrity of the Department. **Implemented.**

Unspecified charges are now used rarely, and typically only in very specific circumstances. For the 12 months of CAP charges reviewed, there were 811 individual outcomes for sustained misconduct, and unspecified charges were used only 27 times. 12 of those instances occurred when officers failed to request a supervisor when asked to do so, as there is no specific charge to address this situation. Additional uses of unspecified charges covered a range of misconduct, from an officer who intentionally ran over a cell phone with his vehicle, to threatening language used before a specific charge for threatening language was added to the disciplinary code in 2021.

As PBI boards are now able to add charges during a hearing, they can also address this by adding a more specific charge if they believe a different charge will more appropriately address misconduct present in a case.

Outcome:

Unspecified charges are now used only occasionally by the Charging Unit at PPD.

Recommendation 11: PBI voting sheets should require each member of a PBI board to document their reasons for their recommendations to the Police Commissioner regarding their findings and their discipline recommendations, if applicable. **Implemented.**

As of May 10, 2021, the PPD requires PBI board members to document their reasoning for their verdicts and penalty recommendations. When the Police Commissioner reviews the PBI voting sheets to make the final disciplinary decision for an officer, they are now able to review the opinions and reasoning that informed the board members' recommendations.

Some additional improvements to the voting sheet may be needed. A next step may be to make the PBI voting sheets digital, to aid with data collection and modernize the records in general. Currently, voting sheets are handwritten. This makes data collection much more time consuming and challenging, and handwriting can be difficult to read. Digitizing the PBI verdict sheets is a process improvement that CPOC and PPD plan to jointly explore in the near future.

Outcome:

PBI voting sheets are now much more detailed and allow for each panel member to come to their own conclusions.

A copy of the voting sheets now used in PBI hearings is attached as an appendix to this report (Appendix 6).

Recommendation 12: The PPD should update the mission statement of the PBI to reflect the duty to provide justice not only to officers but also to residents of Philadelphia who have been victims of police misconduct.

In progress.

Current version:

- The Mission of The Police Board of Inquiry is to provide a fair and impartial forum in which all members of the department, regardless of sex, race, religion, or sexual orientation, can have confidence that disciplinary charges against members of the department will be heard and adjudicated in accordance with the Philadelphia Police Disciplinary Code.
- The Police Board of Inquiry will accomplish this mission by ensuring that proper decorum is maintained throughout all proceedings; by ensuring the impartiality of all sitting Board members; and by providing the accused officer with an opportunity to be heard on the charges against him/her. The Board shall render a verdict consistent with the evidence presented before it, and the provisions of the Disciplinary Code.

Proposed update in bold and italics:

- The Missions of The Police Board of Inquiry are to:
 - a) provide a fair and impartial forum in which all members of the department, regardless of sex, race, religion, or sexual orientation, can have confidence that disciplinary charges against members of the department will be heard and adjudicated in accordance with the Philadelphia Police Disciplinary Code;
 - b) provide a fair and impartial forum in which members of the public can have confidence that members of the Department who commit misconduct are disciplined when appropriate.***
- The Police Board of Inquiry will accomplish this mission by ensuring that proper decorum is maintained throughout all proceedings; by ensuring the impartiality of all sitting Board members; and by providing the accused officer with an opportunity to be heard on the charges against him/her. The Board shall render a verdict consistent with the evidence presented before it, and the provisions of the Disciplinary Code.



OBJECTIVE 4 – EFFECTIVENESS OF THE PBI DEPARTMENT ADVOCATE

This objective's goal in Part 1 was to review the training and effectiveness of the PBI Department Advocate in negotiating and conducting quasi-administrative hearings. While administrative discipline hearings are, by definition, not formal court hearings and strict rules of evidence do not apply, CPOC emphasized that a trained attorney would be better suited to match the experience and strategies used by FOP attorneys in these hearings.

Recommendation 13: Attorneys not affiliated with the PPD should prosecute administrative discipline cases. **Implemented.**

Recommendation 14: Regardless of who is responsible for administratively prosecuting discipline cases in the future, there should be more personnel dedicated to the prosecutorial role. **Implemented.**

The latest renegotiation of the FOP contract included a provision to satisfy this recommendation. Beginning in January 2023, two civilian attorneys with the City of Philadelphia Law Department have been detailed to PBI to serve as the prosecutors for PBI cases. The current PBI Department Advocate will remain at PBI and assist, as well. The PPD is actively working with the City's Law Department to make arrangements for these attorneys to begin functioning in this role within the next few months. Increasing the number of personnel in this role from one to three is a positive step and CPOC will continue to monitor how this impacts the flow of cases through the PBI process.

The legislation that established CPOC also includes an administrative prosecution function. In the future, CPOC will take on at least part of this role by hiring our own administrative prosecutors as part of CPOC's staff.

Outcome:

The PPD is actively working with the City's Law Department to make arrangements for civilian attorneys to begin functioning as administrative prosecutors within the next few months.

Recommendation 15: Charges that challenge the character/credibility/honesty of the officer should not be withdrawn in exchange for guilty pleas. **Implemented.**

The PPD has stopped the practice of dropping discipline charges of any kind during the discipline process.

Outcome:

The PPD no longer drops discipline charges of any kind during the discipline process.

Recommendation 16: The standard of evidence for IAD investigations and PBI hearings should be clearly defined in all public and internal documents related to the discipline process, including but not limited to Directive 8.6 and PBI board voting sheets, and recited to PBI board members at every PBI hearing.

Partially Implemented.

Directive 8.6 (Appendix 1) related to the discipline process was updated and published by the PPD in December 2022. The updated directive does not include a definition for preponderance of the evidence and should be updated to include one. The voting sheets should be updated to include the same language so that all PBI board members have easy access to the definition during hearings.

Recommendation 17: The PPD should utilize an employee other than the PBI Department Advocate to manage the administrative functions of PBI hearings. **Pending.**

The PBI Department Advocate noted that it is easier for him to manage these aspects of the hearing and that having someone else do it would not improve the hearings. This may change once other attorneys begin prosecuting the cases, based on their preferences.





OBJECTIVE 5 – ACCESSIBILITY OF PBI HEARINGS

In Part 1, CPOC detailed the ways that PBI hearings had gaps in accessibility and provided corresponding recommendations for changes that would immediately improve access to PBI hearings. The successful implementation of many of these recommendations since the publishing of Part 1 greatly impacts the accessibility of hearings for civilians.

Recommendation 18: The PPD should hold PBI hearings in a room that can accommodate observers and is dedicated strictly to hearings.
Implemented.



In October 2021, the PBI unit was one of the first PPD units to move into the new PPD administration building located at Broad Street and Callowhill Street. The new PBI hearing room has ample space, can accommodate many observers, and is dedicated strictly to hearings. The maximum occupancy for the new room is 61 people.



Outcome:
 The PBI room has been changed to a much larger space that can accommodate many observers.


Recommendation 19: The PPD should revise the security desk policy to clearly state the circumstances in which civilians may be denied access to PBI hearings. Ease of access should be paramount upon entry to a PBI hearing. **Implemented.**

Building staff at the Philadelphia Public Services Building (PPSB) now follow the updated Directive 7.3 (Appendix 7), which is the PPD's security directive that was updated in November of 2022. According to the directive, visitors, including any members of the public appearing for a PBI hearing, will be admitted into the building as follows:

- "1. All visitors having business in the PPSB will be stopped asked to identify themselves, state their business, and be required to enter their name in the visitor log book.*
- a. The visitor will be announced to the appropriate office via telephone. When it is ascertained that the visitor is expected, the appropriate entries will be made in the log book.*
- b. The visitor will wait for a member of the pertinent office to meet PHBS personnel at the Security Reception Desk for an escort. An escort will be required for all visitors to and from the various offices."*

When the PBI unit was housed in the previous PPD headquarters located at 8th Street and Race Street, some members of the public who attempted to attend PBI hearings open to the public were unnecessarily asked by security officers at the entrance of the building for a subpoena or other documentation, and were sometimes improperly denied access to hearings. If members of the public attempt to attend CAP hearings in the future, this new security guidance will help to ensure that they don't encounter obstacles when entering PPSB.

CPOC will continue to monitor ease of access for observers and raise any issues if they come up with PBI and PPD leadership to ensure there are no unnecessary barriers for members of the public who want to attend PBI hearings.



Recommendation 20: The PPD should utilize technology available for virtual calls to make PBI hearings more accessible to civilian complainants and witnesses. **In progress.**

When the PBI unit moved to the new PPD headquarters in October 2021, building and IT staff consulted with PBI staff about the equipment they needed in the room. PPD staff have followed up, but supply chain issues have caused delays in receiving specific equipment needed to bring the room to its full technological capabilities. The PBI hearing room remains not set up for virtual participation or audio/visual functions. PBI staff would appreciate the ability to have civilians participate virtually but the room is not yet equipped for this. There is no further information about when any updates to the room might occur.

Recommendation 21: The PPD should create standard operating procedures for PBI hearings that are accessible at all times to PPD personnel and the public. **In progress.**

The board president is responsible for ruling on disagreements, and since the rules are not written down anywhere, different presidents could rule differently. PPD Directive 8.6 is a logical place to have these rules listed out, as all PPD directives are available to the public and the entirety of PPD. Directive 8.6 was recently updated to include the changes to the FOP contract that relate to the discipline process and the PBI process, and this update occurred in December 2022.

CPOC is developing the data set about hearings that occur and is using the post-PBI hearing survey to identify procedural aspects that need

clarification and common issues that could create inconsistencies among cases. CPOC will continue the process of assessing hearings as they occur and compiling information to turn into a procedural manual for hearings. This will be especially important as CPOC develops a prosecution unit that will help conduct these hearings as envisioned by CPOC's authorizing legislation. Additionally, codifying procedural rules of PBI hearings would likely be a collective bargaining issue, and as such, could be addressed during the next renegotiation of the FOP contract.

Recommendation 22: The PPD should record the entirety of PBI hearings including closing arguments to create a complete record of each PBI hearing. **Implemented.**

During the review of PBI hearings for Part 1 of this report, audio recordings of hearings revealed that the recording of hearings routinely stopped before closing arguments began, creating an incomplete record of the hearings. This practice has stopped, and hearings are now recording in their entirety.

Outcome:
PBI hearings are now recorded in their entirety.

Recommendation 23: Procedural information about PBI hearings, including but not limited to rules, training materials, and a public hearing calendar should be in one place on the PPD website for easy accessibility by the public.

Not Implemented.

The PPD has not published training materials or hearing rules (as noted previously, written procedural rules for PBI hearings do not currently exist), training materials, or a public hearing calendar, but CPOC now posts PBI hearing dates for hearings open to the public regularly to social media. Additionally, Directive 12.6 pertaining to the disciplinary process was updated in November 2022 to reflect the changes made to PBI hearings and the other reforms established by the renegotiations of the last FOP contract.



Additional Recommendations from Part 1

Part 1 of this report highlighted opportunities for improvement across several areas of PPD's disciplinary process, including Internal Affairs investigations, the PBI Charging Unit's decisions, the PBI Department Advocate's performance, and PBI panel outcomes. Additional recommendations in the Other Observations section of Part 1 will be addressed here.

Recommendation 24: To determine if ineffective Department directives contributed to the hearing outcome, a copy of all hearing transcripts, relevant evidence, witness statements, and not guilty memos associated with PBI hearings should be forwarded to CPOC for post-trial audits. These audits would serve as holistic reviews of PBI cases to identify any policy or practice issues uncovered in the investigation, charging process, or PBI hearing. **Implemented.**

CPOC staff have been coordinating with PPD personnel to review all memos and verdict sheets prepared by PBI panel members to assess not only the effectiveness of the implemented reforms, but to identify any policy issues that need to be resolved. CPOC staff members also provide continual feedback about the experiences on the panel and have identified policy and process issues for further consideration.

Outcome:

CPOC reviews all memos and verdict sheets prepared by panel members to ensure policy issues and any concerns related to hearing procedures are addressed.

Recommendation 25: An advisory disciplinary matrix should be created by the Police Commissioner, with input from CPOC. The disciplinary matrix should state a presumptive penalty for infractions, with mitigating and aggravating factors, to determine discipline. **Not Implemented.**

There was support for an advisory discipline matrix to be created by the PPD for disciplinary recommendations. However, while other reforms to PBI processes have been prioritized, this recommendation has been put on hold and may be revisited in the future.

Objectives 6 and 7 were briefly addressed in Part 1 as recommendations reserved for a later report. Below is more information that CPOC has gathered since Part 1 was published.

OBJECTIVE 6 – PBI BOARD SELECTION AND TRAINING

CPOC is working to compile information from verdict sheets, which discuss the makeup of PBI panels, to determine if there are any clear issues with demographic representation or if there should be a wider variety of PPD personnel available to sit on PBI panels. This will help inform recommendations related to panel member

selection in the future. Additionally, CPOC plans to work with the city's Law Department to develop practical training topics for all current and new PBI panel members that will supplement the training already provided by the PPD, the Law Department, and the Mayor's Office of Labor Relations.

OBJECTIVE 7 – FEEDBACK FROM COMMUNITY

As CPOC began working with our data partners at the University of Pennsylvania and Princeton University for Part 1 of this report, released in 2021, we knew we wanted to get feedback from the people who are impacted most by the processes of police misconduct investigations and discipline hearings: Philadelphia residents, especially those who file complaints against police. Thus, a survey entitled "Public Opinion Toward the Philadelphia Police Department's Civilian Complaint Review Process" was developed and completed in the Fall of 2022 (Appendix 8). The team of researchers surveyed a total of 2,360 Philadelphia residents about their views on policing in Philadelphia and the process of civilian complaints against police.

There are a number of important findings from this survey as they relate to residents' perceptions of various stages of the police misconduct disciplinary process. There is a notable gap between Philadelphia residents who report having an experience with police that is complaint-worthy and those who express interest in filing a complaint; this demonstrates that the number of official complaints filed by residents may substantially undercount the true rate of complaint-worthy incidents in the city. In addition, residents reported being significantly less likely to file a complaint if they knew that the investigation and penalty process would take more than one year. In fact, respondents learning more about the discipline process as

it currently stands consistently lowered their trust in the efficacy of governmental systems. Moreover, residents reported their perceptions of fair penalties for different categories of police misconduct, which provides helpful insight into what types of outcomes residents expect at the end of the discipline process.

Regarding the discrepancy between instances of police misconduct and actual complaints filed against police, 4.5% of respondents to the survey reported a complaint-worthy experience that was verified in a subsequent open-ended response.¹ Among this group of 4.5%, 73% indicated that they did not intend to file a complaint regarding their experience with police. This suggests that official complaint records may represent only a small portion of misconduct actually occurring across Philadelphia.

The lack of filing complaints about police misconduct may be, in part, due to the amount of time it takes to completely resolve a complaint. Respondents reported being significantly less likely to file a complaint if they knew that the investigation and penalty process would take more than one year; they reported being significantly more willing to file if the process took less than six months. For reference, the average length of an Internal Affairs investigation into a complaint alone is roughly six months. Cases that reveal misconduct occurred then move into the discipline process. When the officer accused of misconduct disputes the findings of the investigation and requests a PBI hearing, the process is prolonged even more. As discussed in the section of this report related to PBI charging reviews, in 2022 the average length of time for a

case to be fully investigated, reviewed at IAD/in the chain of command, and have discipline charges applied was 409 days.

These numbers highlight an area for improvement within the complaint investigation process and discipline process. The current timelines for the processes may be disincentivizing reports of misconduct. If the investigative and disciplinary processes had more reasonable timelines for completion, complainants could foresee a tangible endpoint to their complaint. Of course, accountability often cannot occur without complaints, and the PPD should continue to find ways to shorten the disciplinary process so that



¹ The initial percentage of respondents who reported a complaint-worthy experience was 16%; however, among this group of respondents, 75% did not provide sufficient information to verify the nature of the relevant experience in a subsequent open-ended response. Because of this, the research team determined that 4.5% of all respondents having a complaint-worthy experience was the most reliable percentage to use for the purposes of this survey. A detailed breakdown of this analysis and conclusion can be found in the published survey report.



residents are encouraged to file complaints. This will help ensure that the PPD is more consistently made aware of problem officers who are harming residents and residents have more of a voice in the way they are treated by officers.

The survey likewise demonstrated that providing detailed statistics to respondents about the civilian complaint review process as a whole—such as the frequency and composition of misconduct allegations, the rate at which allegations are sustained, and the rate at which officers are disciplined for sustained misconduct—lowered respondents' trust in governmental institutions and decreased their willingness to call police for help after being victimized in a hypothetical crime. Advocates can sometimes overly rely on transparency as a quick fix to the mistrust that police have in communities, and this survey result demonstrates this. However, if the disciplinary process were improved, it is possible that such transparency initiatives would have the opposite effect and instead incentivize residents to participate in it.

Shifting towards the tail end of the disciplinary process, respondents shared what they thought the penalty ranges should be for different forms of police misconduct. On a five-point scale ranging from "nothing" to "criminal charges," the average response in cases of physical abuse was 4.3 (between "fired" and "criminal charges"). Respondents believed that lack of service should be punished next most severely, with average responses hovering just above 3 at "suspended without pay"; respondents designated verbal abuse for the least severe forms of punishment, with responses ranging between 2 ("counseling/warning") and 3 ("suspended without pay"). This type of input is valuable for comparing the disciplinary expectations that residents have for their case outcomes to the frequencies of those recommended disciplinary actions in real cases, and it helps us better pinpoint areas of the current disciplinary system that deteriorate trust within the public.

Overall, this survey helped to provide CPOC with crucial information regarding Philadelphia residents' understanding of, and feelings towards, the complaint process against police. The survey highlighted flaws in the disciplinary process that hinder the public's trust in its effectiveness. CPOC can use this valuable information as we continue to work on reforming the disciplinary process, particularly as CPOC's legislation mandates increased involvement in complaint investigations in the future.

Section 2

Additional Observations and New Recommendations

CPOC staff have continued to make observations while reviewing CAP discipline charges and sitting on PBI boards. In an effort to continue to improve PBI operations, there are some additional recommendations and areas for continued observations.

New Recommendation 1: Recommendation 12 from Part 1 suggested changes to the PBI mission statement to better reflect that it is responsible for providing accountability to civilians who have been victims of misconduct. PPD should incorporate the following language into internal and external documents that include the PBI mission statement.

Proposed update in bold and italics:

- The Missions of The Police Board of Inquiry ***are to:***
 - a) provide a fair and impartial forum in which all members of the department, regardless of sex, race, religion, or sexual orientation, can have confidence that disciplinary charges against members of the department will be heard and adjudicated in accordance with the Philadelphia Police Disciplinary Code;
 - b) provide a fair and impartial forum in which members of the public can have confidence that members of the Department who commit misconduct are disciplined when appropriate.***
- The Police Board of Inquiry will accomplish this mission by ensuring that proper decorum is maintained throughout all proceedings; by ensuring the impartiality of all sitting Board members; and by providing the accused officer with an opportunity to be heard on the charges against him/her. The Board shall render a verdict consistent with the evidence presented before it, and the provisions of the Disciplinary Code.

New Recommendation 2: Recommendation 16 from Part 1 called for a clear definition of the standard of evidence for IAD investigations and PBI hearings. Below is CPOC's proposed definition for dissemination:

Using the preponderance of evidence standard, the burden of proof is met when the PBI Department Advocate or other representative of the Department convinces the members of the PBI panel that there is a greater than 50% chance that the alleged misconduct occurred. Applying the preponderance of the evidence standard, panel members will vote individually regarding whether the disciplinary code violation occurred.

This definition should be added to the PBI board voting sheets so that it is clear to panel members what standard they should be using to evaluate the evidence that is presented in the hearing.

New Recommendation 3: PBI voting sheets should be moved into a digital format for easier access, readability, and data collection.



Transitioning the PBI voting sheets into a digital format would make the forms easier for panel members to complete, as they could simply type up their responses; it would also prevent board members from running out of space, which is often an issue with the page limits on physical voting sheets currently. Board members would be better able to communicate their thoughts and have the necessary space to write everything they want to say.

Additionally, having board members complete the voting sheets digitally eliminates the issue of PPD leaders not being able to read board members' handwriting. Oftentimes when reading through a completed PBI voting sheet there are areas where writing is illegible, and it is difficult to understand what the board member meant to say. Transitioning the forms into a standardized typed format would prevent this issue.

The process of obtaining information from each voting sheet for data collection purposes would be greatly streamlined through moving to a digital format. CPOC currently collects data from the PBI voting sheets after the hearing is finished and a verdict has been reached by the Police Commissioner. Staff members have spent hours typing out every written response; with digital sheets, downloading the information would be a much speedier process. CPOC and PPD's collaborative effort to continue reviewing PBI processes and outcomes would be greatly improved by making the voting sheets digital.

CPOC staff have developed digital surveys and data collection instruments for various projects and could easily develop a digital version of the PBI voting sheet along with input from PBI and PPD leadership. CPOC staff currently use laptops as their primary workstations and could bring their own laptops to hearings to complete the voting sheets. PPD would need to provide two additional laptops or tablets for the PPD panel members to use to complete voting sheets in the hearing room. CPOC may also be able to assist with procuring these two additional laptops if needed.

New Recommendation 4: PBI board members should be given full copies of PC memos, charges, and all interview memos as a matter of PBI hearing procedure.

A number of CPOC staff members noted in the post- PBI survey that while they were serving as board members, they were not provided with all the documentation that was being read through and discussed during the PBI hearing. In some cases, one copy of each piece of evidence in the hearing (for example, statements given to IAD during the investigation) was entered into the record and provided only to the PBI panel president. This can be confusing for all board members, not just CPOC members, as not being able to follow along in a long document as information is read aloud makes it more difficult to truly participate in the hearing and understand what is being said. Having all the relevant documentation in front of them would help board members truly digest the facts of the case and follow along much more easily.



New Recommendation 5: If a civilian complainant/victim does not appear, it should not impact the vote of the PBI board. This should be a formal instruction to the PBI panel, and any civilian's failure to appear at a PBI hearing should not be discussed as a factor in determining whether an officer violated policy or the seriousness of their discipline.

There are numerous valid reasons a person would not be willing or able to come to the hearing. There are circumstances when the panel's understanding of the incident in question can be expanded by questioning the complainant/witness, but when this is not possible, the testimony provided to Internal Affairs and the findings on the investigation should be relied on. This should be a formal instruction to the PBI panel, and any civilian's failure to appear at a PBI hearing should not be discussed as a factor in determining whether an officer violated policy or the seriousness of their discipline. If the problem is that the original statement provided to Internal Affairs was not detailed enough and the panel members feel they must recommend a not guilty finding solely for that reason, that should be noted in the voting sheets and flagged as an issue to be addressed at Internal Affairs with the investigator who failed to obtain a complete statement.

New Recommendation 6: PBI colloquies that decide discipline for officers who plead guilty to more serious offenses include negotiation between the PBI Department Advocate and the FOP attorney representing the accused officer. Colloquy negotiations should be observed by the PBI panel present for the case.

New Recommendation 6a: The discipline recommendations by panel members during colloquies should be clearly documented using PBI voting sheets.

When officers plead guilty and are eligible for more than 5 days suspension, their cases are sometimes resolved through a colloquy process. In a colloquy, the PBI Department Advocate and the FOP attorney representing the accused officer negotiate an appropriate penalty for the charges brought against officer. The PBI Department Advocate then presents the proposed penalty/penalties to the PBI panel for questions, and

then the panel agrees to a penalty. The Police Commissioner still has the final say over what discipline the officer will eventually receive.

There are some benefits to resolving discipline cases through the colloquy process. First, it allows for certainty of discipline, as a case resolved via colloquy can only be arbitrated if the Police Commissioner decides to give more

serious discipline to the officer. Additionally, the colloquy process takes less time than a full hearing. This is important because as noted in the “additional observations” section below, there is a sizeable backlog of cases waiting to be resolved through the PBI process. In theory, the PBI Department Advocate could resolve multiple colloquy cases in a day, which would help reduce the backlog slowly over time.

The PPD stopped using the colloquy process temporarily but started again in March 2023. As this process is being reintroduced, there are some adjustments that could be made to increase the transparency of how the colloquy process functions.

During a colloquy, the PBI Department Advocate and the FOP attorney for the accused officer negotiate an appropriate penalty for the misconduct present in the case. This negotiation occurs in private. To avoid the appearance of a backroom deal, this negotiation should occur in the presence of the full PBI panel convened for the case. This would allow for full transparency and oversight of the colloquy process.

Additionally, cases resolved through a colloquy are not documented in the same way as other cases that receive full PBI hearings; the panel members hear the proposed discipline, agree to it, and then are dismissed without producing paperwork or completing hearing sheets. By creating a record of colloquies, CPOC will be able to track the outcomes of them once the Police Commissioner makes their discipline decision and understand the scope of colloquies as the Department reintroduces this process to PBI operations.





Additional Observation 1: The process for reviewing completed investigations once IAD investigators complete them can include significant delays. For cases that arrived at PBI in 2022, an average of 80 days passed between the date the PC memo was completed and the final review and signature from IAD occurred.

In collecting data related to discipline charging for CAPs, CPOC staff was able to collect data specifically related to how long it takes for investigations to move through the review process once an investigation is completed by the IAD investigator. This lengthy review process occurs after the investigation is complete, and only increases the amount of time that passes between when an officer commits misconduct and when they are held accountable. It is important to note that all reviews of a closed investigation are done using a paper case file. This requires a hard copy of the case file be delivered from Internal Affairs in northeast Philadelphia to PPD headquarters to be circulated among the various members of PPD leadership who must sign it.

An IAD investigation currently receives reviews and signatures in the following order:

1. IAD Squad Captain
2. IAD Commanding Officer (Inspector)
3. Chief Inspector Office of Professional Responsibility
4. Deputy Commissioner Office of Professional Responsibility
5. Police Commissioner
6. Deputy Commissioner of Investigations

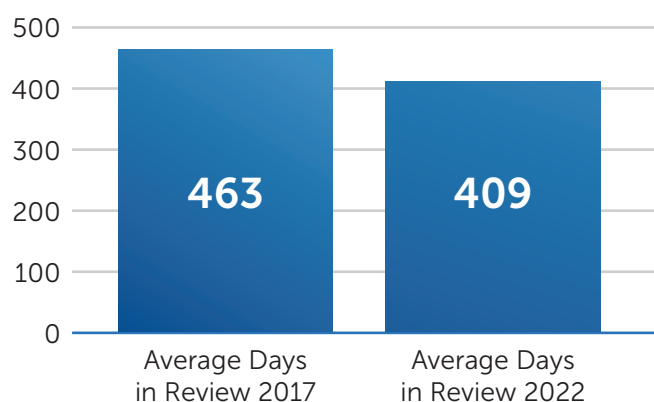
Assessing the utility of these various levels of review may be a step towards streamlining the review process for closed investigations. Further, discipline charging documents, including formal 75-18s used to bring discipline charges against officers, as well as training and counseling memos, are prepared digitally in a database and

forwarded to subject officers' supervisors within the database for their review. Digitizing the review process for IAD investigations in a similar way could potentially streamline and shorten the review process. The lengthy review process for closed IAD investigations may be indicative of an area for improvement with IAD operations.

Additional Observation 2: The average amount of time it takes for a misconduct investigation to move through the investigation and charging processes has decreased over time but remains high.

In Part 1 of this report, an in-depth analysis of complaint and investigation data from 2017 showed that on average, it took 462 days for a case to go from being received at IAD, through the investigation process, and have discipline charges (or training and counseling) applied by the PBI Charging Unit. For cases received at PBI in 2022, the average length of time was 409 days.

Average Time for a CAP to Get Through Investigation and Review Processes



“Average Days in Review” represents the days between when IAD was notified of a complaint and when discipline charges were applied after all PPD reviews occurred.

The 2017 figure is pulled from the data analysis from Part 1 of this report. The 2022 figure is for cases that were received at PBI in 2022.

This decrease is a positive change, especially considering that during the Covid-19 pandemic, some administrative processes at PPD slowed or stopped entirely due to staffing issues and other concerns.

Additional Observation 3: Incomplete cases received at the PBI Charging Unit suggest that additional oversight of IAD investigations is needed.

As noted previously in this report, the CPOC staff member reviewing discipline charges for CAPs requested that 29 out of the 271 cases reviewed be returned to Internal Affairs for additional investigation or clarification. These send back requests occur when there are questions left unanswered by the investigation that make it impossible to send the case forward with discipline charges. The goal of requesting that cases be sent back to IAD is to ensure that the cases that are being pushed through to the final stages of the discipline process are consistently thorough and unimpeachable.

Often the unanswered questions in investigations relate to allegations of misconduct present in the case that were not fully addressed. At times, investigations assert that an officer committed misconduct, but the language in the report does not clearly show what policy the officer violated.

As noted previously, the CPOC staff member only reviews cases that have at least one sustained misconduct allegation. The data analysis included in Part 1 of this report found that only 14% of allegations resulted in sustained findings.



This means that the majority of IAD investigations never make it to PBI charging and therefore are not subject to outside oversight before they are finalized.

As CPOC's oversight capacity and functions expand, an agency goal is to increase involvement with IAD investigations to bring police oversight in Philadelphia in line with how many police oversight agencies operate nationally. CPOC is actively developing a proposal for how increased oversight of misconduct investigations could benefit both CPOC and PPD.

Additional Observation 4: The backlog of cases waiting to be resolved at PBI is noteworthy. While some upcoming reforms may help to reduce this backlog over time, the backlog indicates additional resources will be needed to address disciplinary matters in a timely manner.

It is important to note that the number of cases in the backlog waiting to be resolved at PBI changes every day. The number fluctuates because cases are resolved each day, and new cases arrive regularly at the unit. Additionally, the backlog deepened during the Covid-19 pandemic.

As of January 27, 2023, the backlog of cases to be heard/addressed at PBI was:

- 616 PBI Jobs/Cases (CAPs and internal cases)
- 822 Individual officers to be scheduled
- 59 Cases on hold
- 21 Cases already scheduled and waiting to be heard by a panel
- 111 Civilian Cases (on hold pending further information from Labor Relations)

The PBI backlog contains cases that can be years old. The PBI hearings that occurred in 2022 pertained to incidents that occurred as far back as 2016.

YEAR OF INCIDENT	# OF HEARINGS IN 2022
2016	1
2017	0
2018	6
2019	15
2020	10
2021	8
2022	2

Note: There were 6 PBI hearings in 2022 for which CPOC staff did not capture the year of the related incident.

As noted previously in this report, the PPD is actively working with the City's Law Department to plan for two attorneys from the City's Law Department to begin working as administrative prosecutors. Not only will this help address the PBI backlog, but it will also bring more civilian perspectives into PBI hearings as recommended in Part 1 of this report. Additionally, CPOC's legislation states that CPOC's jurisdiction includes participation in the administrative prosecution of all complaints referred to PBI. As CPOC has been slowly growing and adding capacity, the Administrative Prosecution Unit has not been created yet and it is not known when the development of the unit will begin. As additional administrative prosecutors from the Law Department are utilized, and when CPOC's Administrative Prosecution Unit is developed and implemented in the future, it may be necessary to bring additional administrative staff to assist with aspects of cases such as correspondence, scheduling, filing, and other tasks. This would ensure that there are no disruptions to PBI operations when capacity of the unit increases. CPOC will continue to monitor the impact of additional administrative prosecutors once they begin in their roles and will work with PPD to address any areas for improvement.

Conclusion

Part 1 of this report was released in 2021, during a critical time for policing and police oversight in Philadelphia, and the 2023 release of this follow-up report is no different. Two years later, the relationship between the Philadelphia Police Department and members of the public is continuing to evolve, and residents are still looking for increased police accountability.

The PPD's implementation of recommendations made in Part 1 has helped to alleviate some of the longstanding problems with the disciplinary process for officers accused of misconduct. CPOC is proud of the progress that has been made in collaboration with the PPD and looks forward to continuing the reform process, especially through the new recommendations made in this follow-up report.

As this is an ongoing project, CPOC will continue to assess and be an active part of the police disciplinary process to increase transparency and accountability. CPOC gained a great deal of insight into the PPD disciplinary system through the implementation of the reforms accomplished by Part 1 of this report. This project has paved the way for additional projects that CPOC can build and execute, all with the ultimate goal of bringing more transparency to the PPD's discipline process and helping to build trust between the resident of Philadelphia and the police who serve them.



Appendix

44 Appendix 1 – PPD Directive 8.6

60 Appendix 2 – FOP Award Executed 9-14-21

102 Appendix 3 – PBI Contact Log Sheet

103 Appendix 4 – Post-PBI Survey

107 Appendix 5 – PBI Survey Questions

115 Appendix 6 – New PBI Voting Sheet

117 Appendix 7 – PPD Directive 7.3 Security Policy

121 Appendix 8 – Philadelphia Survey Results

167 Appendix 9 – CPOC Legislation - Bill No. 21007400.

191 Appendix 10 – Appendix 10 PBI Glossary of Terms

192 Appendix 11 – Part 2 Recommendation List



Issued Date: 11-11-22	Effective Date: 11-11-22	Updated Date: 02-03-23
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**SUBJECT: DISCIPLINARY PROCEDURE
PLEAC 2.3.1**

1. POLICY

- A. The disciplinary procedure and the respective rulings shall be consistent and fair throughout the process. This procedure supports the core values of the Philadelphia Police Department: Honor, Service, and Integrity.
 - B. Only the Police Commissioner shall have the authority to suspend, demote, or dismiss a member, except as stated herein.
 - C. All charges and specifications for formal disciplinary action shall originate from and be approved and/or modified by the Commanding Officer of the Police Board of Inquiry Charging Unit.
 - D. Only the Police Commissioner has the authority to withdraw disciplinary charges.
 - E. Police Department employees will be entitled to have a recognized bargaining unit representative present during any administrative inquiry that the employee reasonably believes might result in disciplinary action against them. However, it is the employee's responsibility to notify and obtain representation. The Department representative will schedule such inquiries no less than three (3) calendar days, excluding Saturdays, Sundays, and recognized City holidays, after notifying the employee.
 - F. All timelines are for procedural purposes only. Failures to comply with the timeline shall not bar or waive any disciplinary matter.
-

2. INVESTIGATION AND REPORTS - CRIMINAL OFFENSES

- A. The Internal Affairs Bureau or the Officer Involved Shooting Investigation Unit (OISI) in cases of police discharges, will be responsible for investigating personnel suspected of criminal violations. Under exigent circumstances, the Chief Inspector of the Office of Professional Responsibility may contact Commanding Officers directly to utilize any resources (including personnel) within the Department to assist in matters requiring specialized skills, knowledge or expertise.

1. Except for those incidents handled by outside law enforcement agencies, personnel arrested shall be informed of the charges by the Internal Affairs Investigator, along with the Internal Affairs Squad Captain. Except for Sight Arrests, the Internal Affairs Investigator or the Officer Involved Shooting Investigative Unit (OISI) in cases of police discharges, will also be the arresting officer.
 2. When the employee is arrested, the Deputy Commissioner of the Office of Professional Responsibility shall be immediately notified. The Deputy Commissioner of the Office of Professional Responsibility shall then notify the Police Commissioner.
 3. Miranda and Gniotek Warnings must be read to the accused prior to the taking of any statements.
 4. Copies of all pertinent paperwork (75-18s), warrant, affidavit of probable cause, PARS report, etc., will be distributed by the Internal Affairs Bureau.
-

3. INVESTIGATIONS FORWARDED TO THE POLICE BOARD OF INQUIRY CHARGING UNIT

- A. Whenever an investigation is conducted by Internal Affairs, an appropriate EEO agency or a District/Unit Commander concludes that a departmental violation(s) has occurred, the completed investigation shall be forwarded to the Police Board of Inquiry Charging Unit (PBI Charging Unit) for appropriate action.
 1. The forwarded investigation shall include, but not be limited to, completed reports, statements from civilian or police complainants and/or police or civilian witnesses, statements of the accused, Daily Attendance Reports, Daily Complaint Summary(s), signed court notices, KTNQ printouts, Radio Logs, Patrol Logs, and all other pertinent information.
 - a. All supporting documents must be included, as it will enable the PBI Charging Unit to make the appropriate charging decision.
 - b. Refusal of civilian complainants and/or witnesses to be interviewed and/or cooperate shall not relieve the Investigating Officer of the responsibility to conduct a thorough investigation and submit complete reports.
 2. Once the PBI Charging Unit has thoroughly reviewed the investigation, the Commanding Officer of the Charging Unit shall either file formal disciplinary charges or require formal training and counseling to address the sustained departmental violation(s).

NOTE: Disciplinary charges may be determined by an individual or committee determined by the City which may include City personnel outside the bargaining unit and/or individuals under contract with the City who agree to be subject to confidentiality restrictions.

B. Formal Disciplinary Charges

1. The PBI Charging Unit will notify the Commanding Officer of the charged employee(s), either sworn or civilian, of the specific disciplinary charge(s) and specifications listed in the Disciplinary Package (75-18) via the 75-18 OnBase Management Platform.
 - a. The 75-18 package will consist of the following forms:
 - Statement of Charges Filed and Action Taken (75-18);
 - Employee Assessment (75-18A);
 - Receipt of Charges and Acknowledgement of Right to Counsel (75-18B);
 - and when applicable, Command Level Discipline (Agreement (75-18C).
 - b. A copy of the 75-18 package will also be sent electronically and simultaneously to the appropriate Inspector, Chief Inspector, Deputy Commissioner and the Commissioner for their review.
2. The district/unit Commanding Officer will be responsible to complete the applicable blocks on the forms comprising the 75-18 package.
3. After ensuring that all appropriate information has been entered, the accused officer and their Commanding Officer will electronically sign and date all pertinent forms.
 - a. Charged officers will sign twice on the Statement of Charges Filed and Action Taken; once to indicate receipt and once to plead not guilty/request hearing or guilty/waive hearing.
 - b. The charged employee's supervisor will complete and electronically sign the employee evaluation contained on the employee assessment page.
 - c. The employee's Commanding Officer may include a penalty recommendation, (including demotion or transfer), on the Employee Assessment Sheet if the penalty range is ten (10) days or less. The appropriate Deputy Commissioner may include a penalty recommendation (including demotion or transfer), if the penalty range is more than ten (10) days, but less than dismissal. No penalty recommendation will be made if dismissal is a possibility.

- d. The package will be returned electronically via the 75-18 OnBase Management Platform located on the PPD Intranet Homepage, by following the directions found in the 75-18 Manual.

NOTE: Commanding Officers will ensure the charged employee receives a hard copy of the necessary paperwork.

4. Electronic return of the 75-18 package will be completed within fourteen (14) days of the date it was submitted to the Commanding Officer of the employee charged or counseled.
 - a. In the event that an employee is unable to be served with the disciplinary 75-18 package in a timely manner, due to an absence from the workplace (IOD, long-term sick, training, vacation or other legitimate reason), the employee's Commanding Officer will hand deliver the 75-18 package where feasible or electronically send it with a read receipt to the charged employee.
 - b. When the accused employee is a civilian and **DOES NOT** have an active city-issued email account (e.g., School Crossing Guards, custodians, etc.), the employee's Commanding Officer will electronically sign the 75-18 and 75-18B, then print all forms associated with the package. Commanders will then have the employee complete the form, along with their signature in longhand. The hand-signed forms will then be hand-delivered to the office of the Police Board of Inquiry (PBI) Charging Unit. Under **NO** circumstances will the PBI Charging Unit accept hand-prepared forms when an employee possesses an active e-mail account and sign-on, so as to be able to complete the disciplinary forms electronically. The completed package will then be hand-delivered within fourteen (14) calendar days directly to the PBI Charging Unit.
5. Once completed disciplinary packages are returned to the Charging Unit and subsequently processed, they will be submitted to the Office of the Department Advocate for prosecution and/or filing. The Office of the Department Advocate is responsible for maintaining all disciplinary records for the period outlined in the Records Retention Schedule.

C. Counseling and Internal Affairs Notification

1. When the PBI Charging Unit deems that the violation(s) sustained in the completed investigation should be addressed through counseling, a Counseling Form (75-627) will be prepared by the Commanding Officer, PBI Charging Unit and sent via the 75-18 OnBase Management Platform to the Commanding Officer of the respective employee(s).

NOTE: No supervisor shall prepare and issue a Counseling Form (75-627) to any employee in order to prevent possible future disciplinary action.

2. The Department's official Counseling Form (75-627) will only be completed and issued to sworn personnel by the employee's Commanding Officer. To document that an officer has been formally trained and counseled, the employee's Commanding Officer will prepare and forward within fourteen (14) days, a memorandum in duplicate addressed to the Commanding Officer, PBI Charging Unit. The memorandum will detail the officer's name, rank, badge and payroll number, along with the PBI case number, the IAB or EEO investigation number and the date the counseling took place. The Counseling Form (75-627) will not be returned to the PBI Unit.
 - a. Distribution of the memorandum will be as follows:

Original – Investigative unit
Copy – Office of the Department Advocate
 - b. Civilian employees will be issued a memorandum explaining the need for training and/or counseling. This will be issued in lieu of the Training and Counseling Form (75-627).
3. IAB Notification Forms (75-630) will be used in all cases where more than one (1) employee is named in an IAB/EEO investigation and allegations are sustained on at least one (1) person. This process will allow named employees with finding(s) other than sustained to be informed of the contents of the IAB/EEO investigation (sustained allegations will be handled through formal discipline or counseling).
 - a. After ensuring that all required information has been entered, the notified officer, Commanding Officer, and supervisors, will electronically sign and date the form.
 - b. A copy will be provided to the employee and the IAB Notification Form will be electronically returned within fourteen (14) calendar days to the PBI Charging Unit.
4. In the event that an employee is unable to be served with the counseling form or IAB notification in a timely manner, due to an absence from the workplace (IOD, long term sick, training, vacation or other legitimate reason), the employee's Commanding Officer will hand deliver the counseling form or IAB notification where feasible or electronically send it with a read receipt to the charged employee.

4. FORMAL DISCIPLINARY PROCESS: GUILTY PLEA, NOT GUILTY PLEA OR COMMISSIONER'S DIRECT ACTION

- A. When police personnel are formally notified of disciplinary charges initiated against them, upon receipt of the 75-18s, personnel will be permitted to plead guilty and waive a hearing before the Police Board of Inquiry or plead not guilty and request a Police Board of Inquiry (PBI) hearing.

NOTE: The Police Commissioner is vested with the authority to enforce discipline through a Commissioner's Direct Action (CDA) for all disciplinary violations. This action may be taken regardless of an employee's plea. Personnel are not guaranteed a hearing in front of the Police Board of Inquiry as the Police Commissioner always reserves the right to initiate a CDA at any time for any violation(s).

- B. When a charged employee elects to a hearing, the Commanding Officer may include a penalty recommendation (including demotion or transfer), on the Employee's Assessment Sheet if the penalty range is ten (10) days or less. The appropriate Deputy Commissioner may include a penalty recommendation (including demotion or transfer) if the penalty range is more than ten (10) days, but less than dismissal. No penalty recommendation will be made if dismissal is a possibility.

1. The Police Commissioner is not bound by the Commanding Officer's recommendation. Commanding Officers are not authorized to guarantee charged personnel that their recommendation will be implemented if the individual pleads guilty. The recommendation is only a basis for the Police Commissioner to consider when making their final decision.
2. Commanding Officers will make recommendations based on charges, reckoning periods (if applicable), the employee's evaluation and commendations.

- C. When a charged employee pleads "not guilty," and the Police Commissioner does not take direct action, the Department Advocate will be responsible for scheduling a hearing in front of the Police Board of Inquiry in a timely fashion.

NOTE: The Department may be represented at PBI hearings by anyone selected by the Department, which may include City personnel outside the bargaining unit and/or individuals under contract with the City.

1. The Police Board of Inquiry will render a recommendation to the Police Commissioner in those matters it adjudicates. The Police Commissioner shall not be bound by the Board's recommendation.
2. A three (3) member Board will be selected from qualified PBI trained personnel.
 - a. PBI panels will be comprised of no less than three members—at least one civilian and two sworn employees of higher rank than the charged employee (in the case of discipline against sworn employees).

- b. Civilian PBI hearings will be conducted in the same manner with supervisors, managers and/or directors, and an outside civilian member.
 - c. During the course of the hearing, if the PBI Board learns of information that would necessitate additional and/or different charges or wishes to remand for further investigation, the Department Advocate may amend the charges during the hearing or request a continuance to amend the disciplinary charges and/or remand for further investigation and reschedule the hearing to the earliest date possible. The Department Advocate may also request a continuance to ensure proper notice of the amended charges and hearing is provided to the charged employee and relevant witnesses.
 - d. After the presentation of evidence, each member of the PBI Board shall complete a voting sheet indicating their finding of “approve” or “disapprove” the disciplinary code violations. All members of the PBI Board shall provide their reasoning for each finding and any penalty recommendation(s). Alternatively, at the request of the Department Advocate at the start of the hearing, each member of the PBI Board will complete a form and respond to individual questions regarding whether the charged employee’s actions are violative of Department directive(s). Where such forms are used, any member of the PBI Board who finds the charged employee committed actions in violation of Department directive(s) shall list their penalty recommendation and the reasoning for the recommendation.
 - e. The Board President is required to complete a memorandum to the Police Commissioner outlining the facts of the case, including each member’s decision and the reasoning for each member’s finding including penalties if applicable.
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5. POLICE DEPARTMENT EMPLOYEES ARRESTED OUT-OF-TOWN

- A. Whenever any employee of the Department is arrested in another jurisdiction or is arrested locally by an agency other than the Philadelphia Police Department, they shall personally notify their Commanding Officer by whatever means are available, or request the arresting agency to notify their Commanding Officer.
 - 1. The notification shall include:
 - a. The name of the arresting agency/jurisdiction.
 - b. The charge or charges.
 - c. Date, time and location of arrest.
 - d. Location of initial incarceration.
 - e. Date, time and location of the initial judicial proceeding.
- B. Commanding Officers, upon being notified of such an arrest, shall:

1. Immediately notify the Chief Inspector, Office of Professional Responsibility.
 - a. If after normal business hours, the notification will be made through Police Radio.
2. As soon as practical, take possession of the employee's city-issued equipment that will not be used as evidence.

6. DISCIPLINARY PROCESS FOR DETAILED PERSONNEL

- A. Whenever personnel within the Department are detailed to another unit, the Commanding Officer of the detailed assignment will be responsible for all disciplinary matters regarding the employee. This includes investigations and requests for charges through the PBI Charging Unit. All paperwork related to disciplinary matters will be forwarded to the employee's primary Commanding Officer for their information only.

EXCEPTION: When the disciplinary infraction occurred while the employee was working in their permanent assignment, the Commanding Officer of the permanent assignment will handle the disciplinary matter.

7. OUTSTANDING DISCIPLINARY CHARGES

- A. Any employee who separates from the Department, prior to the resolution of any disciplinary matters, shall be subject to such disciplinary proceedings in the event of and upon any reinstatement of employment.
- B. All investigations of an employee, who has separated from the Department, shall be completed and kept at the Internal Affairs Bureau.

BY COMMAND OF THE POLICE COMMISSIONER

<u>FOOTNOTE</u>	<u>GENERAL #</u>	<u>DATE SENT</u>	<u>REMARKS</u>
*1	#5720	02-03-23	Addition



APPENDIX "A"

Issued Date: 11-11-22	Effective Date: 11-11-22	Updated Date: 02-03-23
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SUBJECT: COMMAND LEVEL DISCIPLINE

1. POLICY

A. It is the policy of this Department to authorize district/unit Commanding Officers to take consistent disciplinary action against sworn employees for infractions of the Department's Disciplinary Code. Such infractions covered under this Appendix are limited to those with penalties ranging from a reprimand to a suspension not exceeding five (5) days.

NOTE: Command Level Discipline (CLD) administered by Commanding Officers does not apply to penalties associated with violations of the Police Department's Sick Leave Policy, outlined in [Directive 11.3, "Sick Leave – Sworn Personnel."](#)

B. The district/unit Commanding Officer is authorized to offer the charged officer a penalty consistent with their actions after taking into consideration the officer's work history, commendations, prior discipline, etc.

*1 **NOTE:** The authorization to offer CLD is not absolute and is limited to only those infractions that are not associated or connected with a single incident or course of conduct wherein additional charges are filed that fall outside the scope of CLD. For example, an employee involved in a single incident or course of conduct is charged with five (5) violations. Three (3) of the five (5) violations carry a penalty greater than five (5) days and the fourth and fifth violations carrying a penalty of less than five (5) days. The district/unit Commanding Officer is not authorized to offer CLD for the lesser included violations (i.e., the fourth and fifth violations in this scenario). All five (5) violations must be presented to the Police Board of Inquiry.

C. CLD is a tool available to a Commanding Officer. A Commanding Officer is never obligated to offer CLD to an officer.

D. Should the officer agree to the penalty offered by the commander, they shall waive their right to arbitration and the disposition will be final. The disposition is not subject to further command disapproval or adjustment.

E. The officer may decline the commander's offer of discipline and request to have the case heard by the Police Board of Inquiry.

F. CLD applies only to sworn members of the Police Department.

2. PROCEDURE

A. The Commanding Officer of personnel accused of violations of departmental regulations shall conduct and submit a complete and thorough investigation to the Police Board of Inquiry Charging Unit. A cover memorandum requesting disciplinary action will be attached to the package.

1. The investigation shall include, but not be limited to: completed reports, statements from civilian or police complainants and police or civilian witnesses, statements of the accused, DARs, Daily Complaint Summary(s), signed court notices, KTNQ printouts, Radio Logs, Patrol Logs, etc.

*1 B. With the exception noted above in section 1-B in those cases where the maximum Disciplinary Code recommendation is five (5) days or less, the Commanding Officer of the charged officer shall have the discretion to offer a settlement.

C. In calculating the potential penalty, multiple charges that have an aggregate potential penalty greater than five (5) days are still eligible under this directive if the individual charges each do not exceed five (5) days.

EXAMPLE: Two (2) separate charges that each carry a penalty of reprimands to five (5) days can still be handled at this level even though the penalty assessed on the combined charges could be ten (10) days.

D. The Commanding Officer of the charged officer is expected to make a fair and appropriate offer based on the allegations and other factors including the officer's work history, commendations, productivity measurements (e.g., arrests, summons, calls for service answered, prior disciplinary history, etc.).

E. If the officer accepts the recommended penalty, they waive their right to arbitration. The disposition is not subject to further command disapproval or adjustment.

F. If the charged officer declines the offer from their commander and requests to have the case heard by the Police Board of Inquiry, the Commanding Officer will document the offer on the CLD Agreement and have the package hand-delivered to the PBI Charging Unit.

G. The Department Advocate shall also have the authority to settle Command Level Discipline cases brought before the PBI. Strong consideration shall be given to all relevant factors, including the original offer, when negotiating any settlement with the charged employee.

- H. In situations where a Fraternal Order of Police (FOP) representative has not signed the agreement, the Commanding Officer initiating the settlement **will** strike paragraph #4 of the agreement.
- I. When settling cases absent FOP representation, the officer's Commanding Officer and the Department Advocate shall also have the discretion to offer that the penalty be served as vacation days, in lieu of unpaid suspension.
- J. Only the district/unit Commanding Officer will sign the Command Level Agreement. In their absence, only the covering commander will sign.
- K. The Command Level Agreement will be returned directly to the PBI Charging Unit as part of the complete 75-18 package.

BY COMMAND OF THE POLICE COMMISSIONER



APPENDIX "B"

Issued Date: 11-11-22	Effective Date: 11-11-22	Updated Date:
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SUBJECT: NOTICE OF SUSPENSION WITH INTENT TO DISMISS

1. POLICY

- A. Whenever a sworn or civilian employee is suspended for up to thirty (30) days with intent to dismiss as a result of the Police Commissioner’s Direct Action or outcome of a Police Board of Inquiry hearing, the Police Human Resources Unit will prepare dismissal forms which will be hand-delivered by a Lieutenant or, in their absence, a Sergeant.
1. Form 73-60, Notice of Intention to Dismiss will be issued within the first twenty (20) days of suspension.
 2. Form 73-65, Notice of Dismissal will be issued ten (10) days after service of Intention to Dismiss Form.
 3. Form 73-S-64, Rejection Notice During Probationary Period, if applicable will also be issued immediately following the Police Commissioner’s request.
-

2. PROCEDURE

- A. Guidelines for serving a “Notice of Intention to Dismiss” and “Notice of Dismissal”
1. Include four (4) copies of the notice;
 2. Ensure the employee signs ALL four (4) copies;
 3. Record the date, time served as well as the name, badge number and unit for the employee serving the notice;
 4. Distribution is as follows:
 - a. Original – Employee
 - b. Three (3) copies – Police Human Resources, Philadelphia Public Services Building (PPSB), 7th Floor, Suite 1
 5. Do not use regular mail. Returned copies of the above notice to Police Human Resources must be hand delivered; and

6. ALL COPIES of the 75-48 must accompany returned papers.
- B. Guidelines for serving a “Notice of Rejection during Probationary Period”
1. Include three (3) copies of the notice;
 2. Notice shall be personally delivered to the employee;
 3. Ensure the employee signs all copies;
 4. Record the date, time served on the papers as well as the name, badge number and unit of employee serving the notice;
 5. Retrieve the employee’s Police Identification Card and any City equipment, if applicable; and
 6. Distribution is as follows:
 - a. Original – Employee
 - b. One (1) copy – Commanding Officer
 - c. One (1) copy – Police Human Resources, PPSB, 7th Floor, Suite 1
 7. Do not use regular mail. Returned copies of the above notice to Police Human Resources must be hand delivered; and
 8. ALL COPIES of the 75-48 must accompany returned papers.

BY COMMAND OF THE POLICE COMMISSIONER

NOTICE OF INTENTION TO DISMISS
(Prepare in Triplicate)

CITY OF



PHILADELPHIA

NOTICE SERVED

UPON (Employee)

BY MAIL

PERSONALLY

DATE SERVED

DEPARTMENT, DIVISION, ETC.

TITLE OF POSITION

Effective ten days from service of this notice, it is our intention to dismiss you from your position with the City of Philadelphia as referred to above. My reasons for intending to take such actions are:

If you believe that this intended action is unjustified, you may, under regulations of the Civil Service Commission, within ten days from service of this notice, notify me in writing of your reasons therefor and summarize the facts in support of your belief. A copy of your letter to me must be sent at the same time to the Personnel Director.

Your replying to this notice and sending a copy of your reply to the Personnel Director does not constitute an appeal to the Civil Service Commission. You may appeal to the Civil Service Commission only when this intended action becomes final and within thirty days thereafter.

POLICE COMMISSIONER

73-60

ORIGINAL: Employee

cc: Department

cc: Personnel Director

NOTICE OF DISMISSAL

(Prepare in TRIPLICATE)

CITY OF



Philadelphia

TO:

NOTICE SERVED

Upon (Employee specified)

BY MAIL PERSONALLY

DATE SERVED

DEPARTMENT, DIVISION, ETC.

TITLE OF POSITION

You are hereby notified that effective _____, you are dismissed from your position with the City of Philadelphia as referred to above for the following reasons:

You are further notified and advised that the Philadelphia Home Rule Charter provides that any employee who is dismissed after satisfactorily completing his probationary period of service may, within thirty days after such dismissal, appeal to the Civil Service Commission for review thereof.

Signature of Commissioner

73-65(Rev. 1/76)

ORIGINAL - Employee

cc: Department

cc: Personnel Director

REJECTION NOTICE DURING PROBATIONARY PERIOD (Prepare in Triplicate)	City of Philadelphia Personnel Department	
Name of Probationer		
Address		
Classification of Position		
Division and/or Department		
Effective Date of Rejection	Date of Last Day of Probationary Period	
TO THE PROBATIONER ABOVE-NAMED: You are hereby notified that you have been rejected from further employment from the position above described, effective at the close of work on the date of rejection above indicated, which is not later than the last day of your probationary period in that position. The Philadelphia Home Rule Charter and the Civil Service Regulations do not permit an appeal from this action to the Civil Service Commission. If you had permanent civil service status in another class immediately prior to your being appointed to this position, you may have a right to return to that position. The specific reasons for your rejection from the above position are as follows: <div style="height: 100px;"></div>		
Date	Signature of Supervisor	Title
I <input type="checkbox"/> recommend that this probationer be placed on the eligible list for this class. . (do or do not)		
APPROVED:	<u>POLICE COMMISSIONER</u>	Date
Signature of Head of Office, Board or Commission	Title	
CONSENT OF PERSONNEL DIRECTOR Subject to verification of the above-stated reasons. I hereby consent to the rejection during the probationary period of the above-named person on the effective date indicated.		
Date	Personnel Director	

73-S-64

COPIES TO: EMPLOYEE, DEPARTMENT, PERSONNEL DIRECTOR

DIRECTIVE 8.6 - 5
APPENDIX "B"

AMERICAN ARBITRATION ASSOCIATION

FRATERNAL ORDER OF POLICE

**AAA Case # 0-21-0002-3120
(Act 111 Interest Arbitration)**

and

CITY OF PHILADELPHIA

Arbitration Panel

Alan Symonette, Esq.
Neutral Arbitrator and Panel Chair

Ralph J. Teti, Esq.
Willig, Williams & Davidson
FOP-Appointed Arbitrator

Shannon Farmer, Esq.
Ballard Spahr LLP
City-Appointed Arbitrator

Appearances

FOR THE FOP:

Richard G. Poulson, Esq.
Deborah R. Willig, Esq.
Thomas M. Gribbin, Jr., Esq.
James R. Glowacki, Esq.
Louise F. Pongracz, Esq.
Willig, Williams & Davidson

FOR THE CITY:

Elliot Imani Griffin, Esq.
Catherine E. Lubin, Esq.
Ballard Spahr LLP

Cara E. Leheny, Esq.
Frank E. Wehr, Esq.
City of Philadelphia Law Department

Patrick Harvey, Esq.
Campbell Durrant Beatty

Aleena Y. Sorathia, Esq.
Ahmad Zaffarese

The undersigned arbitrators were duly appointed as the Board of Arbitration (Board or Panel) pursuant to the provisions of Section 4(b) of the Act of June 24, 1968, P.L. 237, as amended, 43 P.S. §217.4(b) (Act 111) and the procedures of the American Arbitration Association. Hearings in this matter were conducted on June 21-25 and July 19, 23, 26, 27, 28, 2021, in Philadelphia, Pennsylvania, at which time both parties had a full and fair opportunity to present documentary and other evidence, examine and cross-examine witnesses, and offer argument in support of their respective positions. The Panel acknowledges that the parties agreed to waive the time limits under Act 111. Following executive sessions of the Arbitration Panel, the following Award was adopted by a majority of the Panel.

BACKGROUND

This Act 111 interest arbitration was conducted under the dictates of the Pennsylvania Intergovernmental Authorities Act (PICA Act), which created the Pennsylvania Intergovernmental Cooperation Authority (PICA). The PICA Act requires that the City develop, at least annually, five-year financial plans that provide for balanced budgets and must be reviewed and approved by PICA. The City is further required to undertake “a review of compensation and benefits” and to ensure that expenditures, including those for employee wages and benefits, are balanced with revenues. 53 P.S. § 12720.102(b)(1)(iii)(H); 12720.209(b) and (c). Under the PICA Act, a failure on the part of the City to comply with such requirements would result in the mandatory withholding of state funding and tax revenues designated for the City.

Most relevant for this Panel, Section 209(k) of the PICA statute, entitled “Effect of plan upon certain arbitration awards,” requires that, prior to rendering an Act

111 award which grants a pay or fringe benefit increase, the Panel must consider and accord substantial weight to:

- i. the approved financial plan; and
- ii. the financial ability of the [City] to pay the cost of such increase in wages or fringe benefits without adversely affecting levels of service.

53 P.S. § 12720.290(k)(l). The Panel also must make a written record of the factors it considered when making its determination according substantial weight to the approved five-year plan and the City's ability to pay. 53 P.S. § 12720.290(k)(2).

During the course of this Act 111 proceeding, both parties raised arguments regarding the City's financial condition and ability to pay for this Award within the confines of the approved five-year plan. In making this Award, the Panel has carefully reviewed and considered the testimony of the witnesses and the exhibits submitted by the parties, as well as statements made by both parties in support of their respective positions. This Panel has duly considered the parties' arguments and has accorded the City's financial concerns the substantial weight required by law.

I. FINDINGS AND REASONING

In light of the PICA Act's requirement that the Panel make findings, supported by substantial evidence in the record, that the City has the ability to pay the cost of the Award without adversely affecting service levels, the Panel has carefully considered the evidence and the contentions of the parties and makes the findings set forth herein.

1. The City is statutorily required to maintain a balanced budget.
2. The City is also required to submit to PICA for approval a revised five-year plan that is balanced in each of its years whenever it appears that the City's budget is no longer balanced as a result of unplanned revenue decreases or expense

increases. The City is required to provide quarterly updates to PICA showing how actual results and current projections compare to those contained in the approved five-year plan.

3. PICA can require the City to make mid-year adjustments if there is a variance from the approved five-year plan. Because the City is prohibited by law from enacting mid-year tax increases, such adjustments generally must come from service reductions.

4. The City experienced a significant financial crisis beginning in Fall 2008 as the nation experienced the Great Recession. The 2009-2014 interest arbitration award (2009-2014 Award), which was issued in December 2009, reflected the City's financial condition. Among other changes, the 2009-2014 Award required the FOP to restructure its health care delivery program, over the FOP's objection, to a self-insured program.

5. This change has proved extremely successful, with the FOP's benefit program, administered by LEHB, keeping cost increases far below the market while offering a benefit program tailored to the needs of police officers with an unrivaled level of service.

6. After the 2009-2014 Award was issued, the City's financial condition worsened. The City's FY2011 year-end fund balance was only \$92,000.

7. During the intervening years, the City's financial condition improved as the City recovered from the effects of the Great Recession and the City's fund balances rebounded. In fact, the City's fund balance at the end of FY2019 was more than \$400 million, which was above the City's internal target level.

8. Unfortunately, the COVID-19 pandemic has eroded that growth. In fact, at the time of the hearings, the City's finances continued to reflect the effect of the COVID-19 pandemic, which resulted in an estimated FY2021 year-end fund balance of only \$79 million.

9. Although the national economy is growing and is projected to remain strong through 2024, and the City's FY2022-2026 Five-Year Plan (FY2022-2016 Plan) reflects that the City's economy will grow as the pandemic wanes, it also projects fund balances below the City's economic target.

10. Although fund balances are projected to remain below the City's economic targets, the Panel recognizes that the City's fund balance was above its target in FY2018 and FY2019, before the pandemic, and the City is projected to continue to maintain positive General Fund balances during the FY2022-2026 Plan as required by law.

11. The Panel notes that the City's projections in the FY2022-2026 Plan reflect the impact of \$1.4 billion in funding over the next two years from the

American Rescue Plan. Without that funding, the City would face a \$450 million budget shortfall for FY2022.

12. The parties presented expert testimony regarding the City's financial condition and projections regarding the national and City economy over the next five years. The FOP also presented testimony regarding the accuracy of the City's projections over the past several years. All of this testimony was taken into account in reaching this Award.

13. As did the panel that issued the 2017-2020 Interest Arbitration Award (2017-2020 Award), the Panel concludes that the City has acted responsibly in reaching its five-year plan forecasts. The Panel notes that those forecasts, at least in times of strong economic growth, have sometimes proved more conservative than the actual revenues. Similarly, the Panel recognizes that the City faces significant uncertainty regarding how the City's economy will recover from the economic effects of the pandemic, particularly as cases in Philadelphia and the nation are once again on the rise, which could lead revenues to be significantly below the City's forecasts, as happened in FY2020 and FY2021.

14. The Panel also notes that the City continues to face economic and demographic challenges, including high poverty levels, which create a large demand for social services, and the City's responsibility for both city and county government services, which comparator cities largely do not bear.

15. Despite recent improvement, the City's poverty rate, at more than 23%, is the highest of the nation's ten largest cities, and much higher than that of the state or the nation as a whole, as is its deep poverty rate.

16. However, the Panel notes that the City's median household income and mean household income have increased 38% and 47.5% respectively between 2010 and 2019.

17. The Panel notes that, at least until the pandemic, the City's economic condition improved since the Chair last served on an interest arbitration panel involving the City and the FOP in 2002. The Panel also notes that the economic improvements that the FOP has received during the intervening years has outperformed the City's economic growth as a whole and has led to the City's compensation for its police officers being far more competitive with comparator cities today than it was in 2002.

18. The City's contracts with all of its unions expired June 30, 2021. The City's FY2022-2026 Plan assumes \$200 million in economic improvements through these contracts over the life of the Plan.

19. The Panel notes that police wages remain at the median of other comparator cities and fall below median at the 15th year of service. However, the Panel also notes that the health and welfare benefits that FOP members enjoy are stronger

than those of other comparator cities and national benchmarks, with lower co-pays and no deductibles or employee premium contribution.

20. In addition to the economic challenges of the past 18 months during the pandemic, the Panel also notes the significant challenges faced by the Police Department.

21. The Panel recognizes and commends the work of the vast majority of police officers who come to work every day and serve in a manner consistent with the Police Department's values of honor, service and integrity.

22. The Panel also recognizes that this work has been made more difficult by the increase in shootings and homicides that the City is facing, even as the number of police officers is hundreds of officers below budgeted levels.

23. The Panel recognizes that the rise in violence has created new stresses on police officers, including additional dangers associated with policing. The Panel notes the significant reduction in officer-involved shootings in recent years despite the overall increase in City shootings.

24. The Panel also recognizes and commends the extraordinary effort made by police officers to save lives, including transporting shooting victims to hospital to save lives without waiting for ambulances to arrive in the most dire of situations.

25. At the same time, the Panel recognizes that the murder of George Floyd by a police officer in Minneapolis, along with other high-profile incidents involving police and people of color around the country and in Philadelphia, have led to community distrust of the police in many areas.

26. The Panel notes the testimony of Police Commissioner Danielle Outlaw, who joined the Department in 2020, on the Department's Crime Prevention & Violence Reduction Action Plan focused on organizational excellence, crime prevention and violence reduction and community engagement and inclusion.

27. The Panel was impressed by the testimony of Commissioner Outlaw, leadership of Mayor Kenney's administration and members of the community about the need to reform the discipline and arbitration process to restore the community's faith in the police.

28. At the same time, the Panel was also impressed by the leadership of FOP President John McNesby and the testimony of FOP representatives regarding the difficult and dangerous work performed by Philadelphia's police officers, and the need for police officers to view the disciplinary process as trustworthy and credible.

29. The Panel believes that changes in the Police Board of Inquiry process, including several of those identified by the Police Advisory Commission, will go a long way to improving confidence in the process on the part of police officers and the public.

30. Similarly, the Panel believes that changes in the discipline code are critical to hold officers accountable when they violate key department policies, including increasing reckoning periods in a number of areas. On the other hand, it is important that the code is not too harsh and so the Panel declines to make all of the changes sought by the City, including eliminating the penalty range of reprimand to dismissal on a number of charges.

31. The Panel believes that the creation of an arbitration panel to hear police discharge cases with arbitrators who are selected by the parties and trained to understand the disciplinary code and police directives will give both the public and police officers additional confidence in the arbitration process. The Panel declines to limit the authority of those arbitrators to issue awards consistent with the discipline code.

32. The Panel recognizes that the Commissioner has sought a rotation system for officers in specialized units. However, the Panel also recognizes that the 2014-2017 Interest Arbitration Award awarded a rotation for officers in the narcotics and internal affairs units that has never been implemented. Rather than create a new rotation program for specialized units, the Panel believes that it is appropriate to give the parties an additional opportunity to implement the existing rotation.

33. The Panel recognizes that the Department is in the process of conducting an analysis, using an outside consultant, of roles within the Department that can be done by civilians to maximize the use of sworn police resources and use limited resources efficiently. The Panel believes that it is premature to consider awarding any changes in this area but believes that it is appropriate to create a process for the City and the FOP to discuss any such proposals and the Panel will retain jurisdiction if the City seeks to pursue changes after such discussions.

34. The Panel recognizes the concerns raised by the FOP regarding sharing of information with the District Attorney's Office and the disclosure of that information. These difficult issues are the subject of ongoing litigation and constitutional and statutory obligations of the City. As a result, the Panel declines to involve itself in this area. Instead, the Panel has imposed a notification obligation on the Department and has directed the parties to further discuss a framework for notification when information is sent to the District Attorney's Office.

35. The Panel recognizes that this Award addresses areas that will have a significant impact on the Department and the lives of officers and the public. In doing so, the Panel has sought to strike a balance with the needs of the officers who put their lives on the line to protect the public every day as well.

36. Accordingly, the Panel has awarded wage increases that are intended to reflect the extraordinary demands placed on officers by current conditions, including the level of violence in the City, while also reflecting the City's financial condition and the threats that the City faces.

37. The Panel recognizes that the FOP has sought improvements in its pension and health benefits and the City has sought to increase the cost of health benefits for officers. The Panel declines to award either side the benefit changes they propose.

38. Due to the City's efforts and the sacrifices made by officers in past awards, the level of funding in the pension fund has improved, but the fund is still only 52% funded with a nearly \$6 billion unfunded liability. As a result, the Panel believes that pension improvements are not appropriate at this time.

39. The Panel likewise has decided not to award any changes in the current health benefit program. Although the Panel recognizes that the benefits of these employees are extraordinarily generous, the Panel also recognizes that LEHB has made extraordinary efforts to provide the highest quality and most innovative benefits to officers while moderating costs. The Panel takes note of LEHB's efforts to actively reduce costs and recover funds, which benefits the City. As a result, City costs are significantly below those of the firefighters' health plan for the same level of benefits and increasingly at a rate far lower than projected trends.

40. Finally, the Panel is convinced that the current level of reserves in the FOP's health fund is unnecessary given the stability of the current funding system for health benefits, which has now been in place for more than 10 years.

II. AWARD

1. Term: July 1, 2021 through June 30, 2024

2. Wages:

a. 2.75% increase effective July 1, 2021

b. 3.50% increase effective July 1, 2022

c. 3.50% increase effective July 1, 2023

3. Health and Welfare:

a. In light of the excellent administration of the health fund by the Joint Board and LEHB which has led to LEHB having assets in excess of \$70 million while providing exceptional benefits and service to members and their families, the City shall not be responsible for the payment of any expenses for administration or claims incurred for the first full month following the issuance of the Award.

b. For the same reason, the City shall not be responsible for the payment of any expenses for administration or claims incurred for the month of July 2023.

c. The City will make an annual payment of \$25,000 to the Joint Trust to subsidize outreach efforts to provide pastoral care, crisis ministry and spiritual enrichment opportunities for bargaining unit members.

d. The Panel has determined that it is appropriate for officers and their families to share in the benefit of the cost moderation that the Joint Board and LEHB have achieved over the course of the past 10 years, including extraordinary efforts to negotiate financial arrangements that reduce costs and pursue cost recovery. In recognition of these efforts, within 60 days of the issuance of the Award, the City shall pay each bargaining unit member as of the date of the Award a one-time cash payment of \$1,500, less required deductions and withholdings.

4. Grievance and Arbitration: Arbitration of grievances involving the termination of bargaining unit employees shall be governed by the attached Police Termination Arbitration Board procedures.

5. Retiree Trust Fund:

a. Within 30 days after issuance of the Act 111 Award, the City shall make a lump sum payment of \$4.5 million to the Retiree Joint Trust Fund.

b. On or before July 1, 2022, the City shall make a lump sum payment of \$4.5 million to the Retiree Joint Trust Fund.

c. On or before July 1, 2023, the City shall make a lump sum payment of \$4.5 million to the Retiree Joint Trust Fund.

6. Uniform Allowance: The amount of the allowance shall be increased by \$200 annually to compensate officers for business use of personal devices.

7. Commanders:

a. Effective July 1, 2023, Commanders who do not receive the 8% District Commander differential in Article 17(I) of the CBA shall receive a 2% differential.

b. Effective January 1, 2024, all Commanders shall have their compensation adjusted to reflect the 8% District Commander differential in Article 17(I). Commanders who already receive the 8% differential shall not experience any additional increase.

8. Holidays:

a. Effective June 2022, Juneteenth shall be added as a City-recognized holiday.

b. For purposes of the CBA, Columbus Day shall be known as National Columbus Day/Philadelphia Indigenous Peoples Day.

9. Catastrophically Disabled Officer: Officer Andy Chan shall be considered catastrophically disabled for purposes of Section 14(G)(1) of the CBA.

10. Transfers: The time periods for initiating the rotation of officers in special units under Article 22(I)(3) of the CBA will begin 90 days after issuance of the Award.

11. K-9 Officers: Officers who are assigned the K-9 unit and are required to care for an assigned police dog off duty will be provided an additional two hours per week of compensatory time to compensate them for the time spent caring for the dog(s).

12. Heart and Lung:

a. Heart and Lung procedures only apply to officers who are injured while engaged in any activity, assignment, duty, or function involving the protection of life and property, enforcement of laws, and/or investigation of crimes. This standard for performance of duties is consistent with the essential functions of a patrol officer, namely, the use of firearms, patrolling and the apprehension of suspects. Performance of duties does not include administrative assignments that may be incident to the job but are not the primary functions of a police officer.

b. The time period for striking a neutral arbitrator from the Heart and Lung panel under paragraph 16 of the 2014-2017 Act 111 Award shall run from October 1-October 15 each year unless different dates are agreed upon by the parties.

13. Civilianization: If, during the term of the Award, the City seeks to engage non-bargaining unit personnel to perform work that has been performed by the bargaining unit, in whole or in part, the City will provide the FOP with at least 30 days' advance notice of its intent to hire or utilize civilians or other individuals outside the bargaining unit to provide any such services or perform any such work in order to provide the parties an opportunity to review the proposed reallocation of work. Unless the time limits are extended by mutual agreement, either party may request interest arbitration over the proposed reallocation of work within 30 days following the end of the 30-day notice period. If the FOP fails to do so, the City shall be permitted to move forward with its proposal. Any interest arbitration so convened shall not be considered a re-opening of the contract, but shall be limited to the dispute submitted and, in the event that work is reallocated or shared, whether any changes are necessary to the CBA to carry out that change in work and whether any economic changes for the FOP bargaining unit are warranted. The Panel shall retain jurisdiction to hear any request for interest arbitration under this paragraph.

14. Notice of Release of Information: Except where the District Attorney's office has advised the City that the officer is the subject of investigation into

potential criminal proceedings, the Police Department—on the same day that it provides responsive records to the District Attorney’s Office—will notify the FOP of the request and provide the following information about what has been provided to the District Attorney’s Office: the name and badge number of the officer, the Internal Affairs case number, and the PBI case number, if applicable. The parties will develop a written protocol governing such notification.

15. Examinations: Article 22 of the CBA shall be revised to replace “second certification” with “final certification.”

16. Parental Leave: Employees will be eligible for up to four (4) weeks of paid parental leave, which shall be administered subject to the provisions of Civil Service Regulation 22.124.

17. COVID-19: If the City proposes to implement mandatory vaccines and/or regular testing during the term of the Award, the Panel will retain jurisdiction to resolve any disputes over the implementation of such a program.

18. Discipline:

a. The Discipline Code shall be replaced with the attached revised Disciplinary Code.

b. The Department shall revise the disciplinary and Police Board of Inquiry (PBI) procedures to include the following:

(1) Officers may be required to attend an Internal Affairs interview while on injured on duty (IOD) status unless a medical professional determines that they are not medically fit to do so.

(2) Officers will be offered the opportunity to make a voluntary statement to Internal Affairs at the beginning of the investigation. Internal Affairs will not consider the officer’s failure to do so an admission of any wrongdoing.

(3) Officers who are the subject of pending criminal charges will have the opportunity to make a voluntary statement to Internal Affairs during the pendency of the criminal charges. Internal Affairs will not consider the officer’s failure to do so an admission of any wrongdoing.

(4) Disciplinary charges may be determined by an individual or committee determined by the City which may include City personnel outside the bargaining unit and/or individuals under contract with the City who agree to be subject to confidentiality restrictions.

(5) The Department may be represented at PBI hearings by anyone selected by the Department, which may include City personnel outside the bargaining unit and/or individuals under contract with the City.

(6) PBI panels will be comprised of no less than three members—at least one civilian and two sworn employees of higher rank than the charged employee (in the case of discipline against sworn employees). The members of each PBI Board will be drawn from a fixed group of officers and civilians selected by the Commissioner. All eligible PBI Board members will receive training regarding Department directives and expectations for Department employees and officers. This training will include how and when prior disciplinary records may be used in PBI proceedings consistent with how it could be used in an arbitration or other legal proceeding (e.g., during consideration of the appropriate penalty, to prove notice in appropriate cases, for impeachment).

(7) The office of the Department Advocate may designate someone to manage the administrative functions of the hearing, including administering the oath to witnesses and explaining the standard of evidence and instructions to the members of the PBI Board.

(8) The office of the Department Advocate shall provide all pre-hearing discovery to the FOP and the officer/officer's legal counsel at least three business days in advance of the PBI hearing.

(9) During the course of the hearing, if the PBI Board learns of information that would necessitate additional and/or different charges or wishes to remand for further investigation, the Department Advocate may amend the charges during the hearing or request a continuance to amend the disciplinary charges and/or remand for further investigation and reschedule the hearing to the earliest date possible. The Department Advocate may also request a continuance to ensure proper notice of the amended charges and hearing is provided to the charged employee and relevant witnesses.

(10) After the presentation of evidence, each member of the PBI Board shall complete a voting sheet indicating their finding of "approve" or "disapprove" the disciplinary code violations. All members of the PBI Board shall provide their reasoning for each finding and any penalty recommendation(s). Alternatively, at the request of the Department Advocate at the start of the hearing, each member of the PBI Board will complete a form and respond to individual questions regarding whether the charged employee's actions are violative of Department directive(s). Where such forms are used, any member of the PBI Board who finds the charged employee committed actions in violation of Department directive(s) shall list their penalty recommendation and the reasoning for the recommendation.

(11) The Department can make other changes necessary to effectuate the Citizen Police Oversight Commission legislation enacted by City Council, but only with the written consent of the FOP regarding any matters that involve a mandatory subject of bargaining.

(12) All civilians who participate in the determination of disciplinary charges and the PBI process pursuant to items 4 and 6 of this section must

be City employees and/or individuals under contract with the City who agree to be subject to confidentiality restrictions. Any civilians who serve as PBI panel members who are not City employees or attorneys under contract with the City will undergo a background investigation conducted by the Police Department background investigation unit, which will include a criminal background check and questionnaire and other elements determined by the Police Commissioner, before serving on any PBI panels.

III. CONCLUSION

All remaining terms and conditions of employment not expressly modified by this Award or previously agreed to by the parties in negotiations shall remain “as is” through June 30, 2024. All proposals of the parties not included in the Award are denied.

It is understood that the signature of the Arbitrators attest to the fact that the contractual changes represent the majority opinion and Award on each issue by the members of the Arbitration Panel.



Alan Symonette
Neutral Arbitrator and Panel Chair

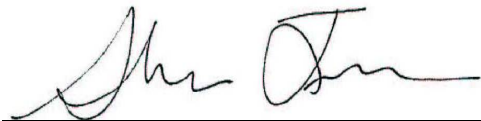
Date: 9-14-2021



Ralph Teti
FOP-Appointed Arbitrator

Date: 9-14-21

Concur x Dissent _____



Shannon Farmer
City-Appointed Arbitrator

Date: 9-14-21

Concur _____ Dissent as to Paragraph 2 (see attached)

Police Termination Arbitration Board

A. Generally

Arbitration of grievances protesting terminations of police officers shall be conducted in accordance with the procedures listed below.

Effective with demands for arbitration filed more than 90 days after the issuance of the interest arbitration award, unless the parties agree to a different date, all demands for arbitration involving disciplinary terminations of police officers will be heard by a member of the Police Termination Arbitration Board (PTAB).

All matters not addressed below, and arbitration of all other grievances, will continue to be governed by the parties' existing procedures and the labor arbitration rules of the American Arbitration Association (AAA).

B. PTAB Arbitration Procedures

1. The parties will select a panel of no fewer than 10 arbitrators to hear arbitrations involving terminations.
2. Initially, the parties shall attempt to agree on any even number of mutually-acceptable arbitrators to be included in the PTAB by submitting a list of proposed arbitrators to the other party within 45 days of the issuance of the Award. The parties shall have 15 days to respond to each other's lists. Any arbitrators deemed mutually acceptable shall be added to the panel. Thereafter, each party will submit a list of neutral arbitrators to also serve on the panel within 15 days of the conclusion of the mutual appointment process. The number of arbitrators submitted by each party will be determined by the number of arbitrators on the panel less the number of mutually-acceptable arbitrators, if any, divided by two. For example, if the parties agree to four (4) mutually-acceptable arbitrators, each party will submit a list of three (3) arbitrators to serve on the panel. Before being placed on the panel, the arbitrators must commit in writing to being available to hear at least five (5) cases per year.
3. PTAB arbitrators need not be on AAA's list of approved labor arbitrators; however, arbitrators must either possess a J.D. degree or have at least two (2) years of experience as a labor arbitrator or labor relations professional. PTAB arbitrators must also agree to be subject to the requirements of the Code of Professional Responsibility for Arbitrators of Labor-Management Disputes.
4. At least forty percent (40%) of the PTAB arbitrators will be people who identify as women, people of color, members of the LGBTQ+ community, or other underrepresented groups.
5. Any arbitrator selected to serve on the PTAB must attend a training session put on jointly by AAA and the representatives of the parties on applicable law and

processes, as well as any other topics agreed to by the parties. The Panel will retain jurisdiction over any disputes regarding the training curriculum. There will be no delay in assigning cases to PTAB arbitrators once trained. Any third party costs of this training, including any charges by AAA or any arbitrators, will be borne by the City.

6. Cases will be assigned to the arbitrators using a wheel based on the date the demand for arbitration is received by AAA. The arbitrators will be placed on the wheel in the order in which they were named, alternating by the party who named the arbitrator so that cases are assigned alternately to mutually-agreed upon arbitrators, City-named and FOP-named arbitrators. AAA will be responsible for maintaining the wheel and assigning the cases. Once the cases are assigned to an arbitrator, they will not be reassigned absent agreement of the parties or the arbitrator's declination of the case, except as described below. Any case which is reassigned will be assigned to the next arbitrator on the wheel at the time the reassignment occurs.
7. Once assigned, PTAB arbitrations will be scheduled in accordance with AAA's normal scheduling procedures.
8. From October 1 through October 15 each year, the party who named the arbitrator may provide notice to AAA and the other party that it is removing the arbitrator from the panel. Unless the parties agree otherwise (see below), the arbitrator will complete any cases that are already assigned to them. There is no limit to the number of arbitrators it appointed that a party may remove each year.
9. In addition, from October 1 through October 15 each year, a party may remove up to two (2) arbitrators who were named by the other party or mutually-agreed upon for any reason. Unless the parties agree otherwise, any arbitrators so removed will complete any cases already assigned to them.
10. The parties may jointly agree to remove an arbitrator from the panel at any time. Unless the parties agree otherwise, when an arbitrator is removed by agreement, the arbitrator will complete any cases the arbitrator has already heard, but any cases that have not yet been heard will be reassigned to the next arbitrator on the wheel at the time the reassignment occurs.
11. When an arbitrator is removed, the party who named that arbitrator will be responsible for naming a replacement arbitrator. Any arbitrator so named will attend the training described above, which will be scheduled within 30 days of when the arbitrator(s) are named so as not to delay the assigning of cases to those arbitrators. The same procedures will be followed if an arbitrator resigns from the panel.
12. Any arbitrator who is removed cannot be named to the panel again by any party for a period of at least two (2) years unless the parties agree otherwise.

C. Rules and Standards of PTAB Arbitration

1. Except as provided herein, the AAA labor arbitration rules shall continue to govern the proceedings.
2. These procedures may be modified by the mutual agreement of the parties.

PHILADELPHIA POLICE DEPARTMENT



DISCIPLINARY CODE

September 2021

Introduction

The intent of this Disciplinary Code is to instill and support the core values of the Philadelphia Police Department by establishing fair and consistent penalties for violations of Philadelphia Police Department rules, policies, and principles. The Articles herein are intended to direct the Police Board of Inquiry and all Commanders in administering such fair and uniform penalties. This code shall apply to all personnel of the Police Department. The core values of the Philadelphia Police Department are:

Honor - It is a privilege to serve as a member of the law enforcement community and especially as a member of Philadelphia Police Department. Each day when you pin on your badge, remember those who went before you and the sacrifices made in the name of this badge. Treat your badge with honor, respect, and pride. Do nothing that will tarnish your badge, for one day you will pass it to another Philadelphia Police officer to honor and respect.

Service - Service with honor means providing police service respectfully and recognizing the dignity of every person. We can demand that others respect and honor our work only when we respect them and their rights. We are in the business of providing police service with the highest degree of professionalism. Every day we come into contact with crime victims, residents afraid to enjoy their neighborhoods, and young people scared to stand up and do the right thing. Our job is to help them and to do so with courtesy and compassion.

Integrity - Integrity is the bedrock of policing and the foundation for building a successful relationship with our partners. Integrity means reflecting our values through our actions. It is not enough to espouse honor, service and integrity. Each of us must live these values in our professional and personal lives. We do this by being honest in our dealings and abiding by the laws and respecting the civil rights of all. Serving with integrity builds trust between the community and the police.

Members of the Philadelphia Police Department must be morally and ethically above reproach at all times regardless of duty status. All members shall respect the sanctity of the law and shall be committed to holding themselves to the highest standard of accountability. No member shall depart from standards of professional conduct or disobey the law.

The following code includes specific behaviors that have been identified as violating this standard. However, to the extent that an employee's actions are not specifically described in this code, but have the effect of impairing the employee's

ability to perform his or her duties, then the employee may be charged under the “Unspecified” Charges.

Penalties recommended by either the Police Board of Inquiry or commanders for offenses listed shall be within the prescribed limits. The Disciplinary Code shall in no way limit any penalty which the Police Commissioner may impose. The Police Commissioner is the final authority on all disciplinary matters.

Transfer may be imposed for all disciplinary infractions.

Demotion may be imposed for all disciplinary infractions.

The “reckoning period” as used in this code is that period of time during which an employee is expected to have a record free of the same type of offense. All reckoning periods shall be completed from the date the first offense was committed. For subsequent violations to apply, it must be shown that the employee was provided formal notice (75-18s) of the first violation. Second and subsequent violations of the same section committed during the relevant reckoning period shall be treated as second or subsequent offenses. The same type of offenses committed after the reckoning period expires counts as a first offense. If the individual is found not guilty of a first offense at a Police Board of Inquiry hearing; then a second offense charged would be considered a first offense within the reckoning period.

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ARTICLE I

CONDUCT UNBECOMING

Section	Charge	1 st Offense	2 nd Offense	3 rd Offense	Reckoning Period
1-§001	Unspecified	Reprimand to Dismissal	Reprimand to Dismissal	Reprimand to Dismissal	Duration of Employment
1-§002	Accepting bribes or gratuities for permitting illegal acts.	Dismissal	-----	-----	-----
1-§003	Failure to immediately report, in writing to their Commanding Officer, offers of bribes or gratuities to permit illegal acts.	10 days to Dismissal	Dismissal	-----	Duration of Employment
1-§004	Failure to officially report corruption, or other illegal acts.	10 days to Dismissal	Dismissal	-----	Duration of Employment
1-§005	Failure to stop, or attempt to stop, an officer using force when that force is no longer required.	10 days to Dismissal	Dismissal	-----	Duration of Employment
1-§006	Soliciting for attorneys, bondsman, tow operators or other unauthorized persons.	30 days or Dismissal	Dismissal	-----	Duration of Employment
1-§007	Knowingly lying under oath to any material facts in any proceeding.	Dismissal	-----	-----	-----
1-§008	Failure to cooperate in any Departmental investigation.	10 days to Dismissal	30 days or Dismissal	Dismissal	Duration of Employment
1-§009	Lying or attempting to deceive regarding a material fact during the course of any Departmental investigation.	10 days to Dismissal	Dismissal	-----	Duration of Employment
1-§010	Knowingly and willfully making a false entry in any Department record or report.	10 days to Dismissal	Dismissal		Duration of Employment

Section	Charge	1 st Offense	2 nd Offense	3 rd Offense	Reckoning Period
1-§011	Abuse of authority	Reprimand to Dismissal	Reprimand to Dismissal	Reprimand to Dismissal	Duration of Employment
1-§012	Unauthorized and / or excessive use of force in your official capacity.	Reprimand to Dismissal	Reprimand to Dismissal	Reprimand to Dismissal	Duration of Employment
1-§013	Knowingly and intentionally associating, fraternizing or socializing with persons actively engaged in criminal conduct or an organized effort advocating criminal behavior against any individual, group or organization on the basis of race, color, gender, religion, national origin, age, ancestry, sexual orientation, disability, or gender identity; or fugitives from justice; or others that compromises, discredits, prejudices or otherwise makes suspect an employee's authority, integrity, or credibility.	10 days to Dismissal	Dismissal	-----	Duration of Employment
1-§014	Fighting / quarreling with members of the Department while one or both are on duty.	Reprimand to 10 days	10 to 20 days	20 days to Dismissal	5 Years
1-§015	Engaging in threatening, or harassing, intimidating, or like conduct towards another member of the Police Department.	Reprimand to 10 days	10 days to Dismissal	20 days to Dismissal	5 Years
1-§016	Inappropriate language conduct or gestures to Police Department employees while on duty.	Reprimand to 10 days	10 to 15 days	15 to 20 days	5 Years
1-§017	Inappropriate language conduct, or gestures to the public while on duty.	Reprimand to 10 days	10 to 15 days	15 to 20 days	5 Years

Section	Charge	1 st Offense	2 nd Offense	3 rd Offense	Reckoning Period
1-§018	Sexual behavior while on duty.	30 days or Dismissal	Dismissal	-----	Duration of Employment
1-§019	Sexual behavior in a City, state, or federally owned or leased vehicle or facility while off duty.	30 days or Dismissal	Dismissal	-----	Duration of Employment
1-§020	Repeated violations of any Departmental rules or regulations.	30 days or Dismissal	Dismissal	-----	Duration of Employment
1-§021	Any incident, conduct, or course of conduct which indicates that an employee has little or no regard for his/her responsibility as a member of the Police Department.	30 days or Dismissal	Dismissal	-----	Duration of Employment
1-§022	Any act, conduct or course of conduct which objectively constitutes discriminating or harassing behavior based on race, color, gender, religion, national origin, age, ancestry, sexual orientation, disability, or gender identity.	Reprimand to Dismissal	Reprimand to Dismissal	Reprimand to Dismissal	Duration of Employment
1-§023	Inappropriate communication(s) based on race, color, gender, religion, national origin, age, ancestry, sexual orientation, disability, or gender identity conveyed in any manner.	Reprimand to Dismissal	Reprimand to Dismissal	Reprimand to Dismissal	Duration of Employment
1-§024	Any act, conduct or course of conduct which objectively constitutes sexual harassment.	Reprimand to Dismissal	Reprimand to Dismissal	Reprimand to Dismissal	Duration of Employment
1-§025	On duty or job-related inappropriate sexually based communication(s) conveyed in any manner.	Reprimand to Dismissal	Reprimand to Dismissal	Reprimand to Dismissal	Duration of Employment

Section	Charge	1 st Offense	2 nd Offense	3 rd Offense	Reckoning Period
1-§026	Engaging in any action that constitutes the commission of a felony or a misdemeanor which carries a potential sentence of more than (1) year. Engaging in any action that constitutes an intentional violation of Chapter 39 of the Crimes Code (relating to Theft and Related Offenses). Also includes any action that constitutes the commission of an equivalent offense in another jurisdiction, state or territory. Neither a criminal conviction nor the pendency of criminal charges is necessary for disciplinary action in such matters.	30 Days or Dismissal	Dismissal	-----	Duration of Employment
1-§027	Engaging in threatening, or harassing, intimidating, or like conduct towards a member of the public.	5 to 10 days	10 to Dismissal	Dismissal	5 Years

ARTICLE II

ABUSE OF ALCOHOL/CONTROLLED SUBSTANCES / PRESCRIPTION DRUGS

Section	Charge	1 st Offense	2 nd Offense	3 rd Offense	Reckoning Period
2-§001	Unspecified	Reprimand to Dismissal	Reprimand to Dismissal	Reprimand to Dismissal	5 Years
2-§002	Drinking alcoholic beverages while on duty.	30 days or Dismissal	Dismissal	Dismissal	Duration of Employment
2-§003	Odor of alcohol on breath while on duty.	Reprimand to 10 days	10 to 15 Days	30 Days or Dismissal	5 Years
2-§004	Impaired on duty.	30 days or Dismissal	Dismissal	-----	Duration of Employment
2-§005	Intoxicated off duty in full or partial uniform.	5 to 10 days	10 to 20 days	25 to 30 days	5 Years
2-§006	“Driving under the influence” off duty.	30 days or Dismissal	Dismissal	-----	Duration of Employment
2-§007	“Driving under the influence” pleas, convictions or ARD under one of the following circumstances: (a) second or subsequent DUI offense while employed by the City of Philadelphia within the reckoning period (regardless of whether or not off duty); (b) involving a hit and run of a person, vehicle or property; or (c) operating, driving or physically controlling a City, State, or Federally owned / leased vehicle.	30 days or Dismissal	Dismissal	-----	Duration of Employment
2-§008	Operating, driving or physically controlling a City, State, or Federally owned / leased vehicle after imbibing in any amount of alcohol and / or illegal substance.	Reprimand to Dismissal	Reprimand to Dismissal	Reprimand to Dismissal	5 Years

Section	Charge	1 st Offense	2 nd Offense	3 rd Offense	Reckoning Period
2-§009	Socializing or drinking in an alcoholic beverage establishment in full or partial uniform while off duty.	Reprimand to 5 days	5 to 10 days	10 to 15 days	5 Years
2-§010	Constructive or actual possession of alcoholic beverages not related to the legal confiscation of same while on duty.	Reprimand to 10 days	10 to 20 days	20 to 30 days	5 Years
2-§011	Any use or ingestion of any illegal substances, prohibited under 35 P.S. §780-101 et seq.(Controlled Substance, Drug, Device and Cosmetic Act), or any substance that constitutes the commission of an offense under Federal law or in any other jurisdiction, State or Territory, either on or off duty.	30 days or Dismissal	Dismissal	-----	Duration of Employment
2-§012	Inappropriate use of a prescription drug.	10 days to Dismissal	Dismissal	-----	Duration of Employment
2-§013	Constructive or actual possession of a controlled substance not legally prescribed or related to the legal confiscation of same.	30 days or Dismissal	Dismissal	-----	Duration of Employment

ARTICLE III

ESSENTIAL REQUIREMENTS FOR DUTY

Section	Charge	1 st Offense	2 nd Offense	3 rd Offense	Reckoning Period
3-§001	Unspecified	Reprimand to Dismissal	Reprimand to Dismissal	Reprimand to Dismissal	Duration of Employment
3-§002	Inability to perform the essential duties of a sworn police officer as defined by the Municipal Police Officer Education and Training Commission (MPOETC); inability to or failure to maintain state certification under the MPOETC.	Reprimand to Dismissal	Reprimand to Dismissal	Reprimand to Dismissal	Duration of Employment
3-§003	Prohibited from accessing, inputting or otherwise acquiring information from any law enforcement system, database, or program.	10 days to Dismissal	Dismissal	-----	Duration of Employment
3-§004	Failure to maintain a bona fide residence in the City of Philadelphia or Commonwealth of Pennsylvania consistent with the current collective bargaining agreement/civil service regulations.	Dismissal	-----	-----	-----
3-§005	Inability to legally operate a motor vehicle	Reprimand to Dismissal	Reprimand to Dismissal	Reprimand to Dismissal	Duration of Employment

ARTICLE IV

INSUBORDINATION

Section	Charge	1 st Offense	2 nd Offense	3 rd Offense	Reckoning Period
4-§-001	Unspecified	Reprimand to 30 days	Reprimand to 30 days	Reprimand to 30 days	5 Years
4-§-002	Refusal to promptly obey proper orders from a superior officer.	5 to 30 days	15 days to Dismissal	Dismissal	5 Years
4-§-003	Profane, insulting, or improper language, conduct, or gestures toward, in the direction of, or in relation to, a superior officer.	5 to 10 days	15 to 30 days	Dismissal	5 Years
4-§-004	Threatening to or using physical force against a superior officer when either is on duty.	Reprimand to Dismissal	Reprimand to Dismissal	Reprimand to Dismissal	Duration of Employment
4-§-005	Omitting title when addressing any superior officer.	Reprimand to 5 days	5 to 10 days	15 to 20 days	5 Years
4-§-006	Reporting off sick in response to receiving an assignment.	5 to 10 days	10 to 20 days	30 days or Dismissal	5 Years

ARTICLE V

NEGLECT OF DUTY

Section	Charge	1 st Offense	2 nd Offense	3 rd Offense	Reckoning Period
5-§001	Unspecified	Reprimand to 15 days	15 to 30 days	30 days or Dismissal	5 Years
5-§002	Failure to take police action while on duty.	Reprimand to 10 days	10 to 30 days	30 days to Dismissal	5 Years
5-§003	Failure to properly patrol area of responsibility.	Reprimand to 5 days	5 to 10 days	15 to 20 days	5 Years
5-§004	Failure to respond to an assignment by any means transmitted. (Use of personal cell phones shall not be required by officers).	Reprimand to 5 days	5 to 15 days	15 to 30 days	5 Years
5-§005 ¹	Failure to make required written report.	Reprimand to 5 days	5 to 10 days	10 to 15 days	5 Years
5-§006	Failure to conduct a proper, thorough, and complete investigation.	Reprimand to 5 days	5 to 10 days	10 to 20 days	2 Years
5-§007	Asleep on duty.	Reprimand to 5 days	5 to 20 days	20 days to Dismissal	2 Years
5-§008	Unauthorized absence from assignment.	Reprimand to 5 days	5 to 10 days	15 to 20 days	2 Years
5-§009	Absence without leave for less than one working day	Reprimand to 5 days	5 to 10 days	15 to 20 days	2 Years
5-§010	Absence without leave for a minimum of one working day, but less than five consecutive working days.	2 to 10 days	10 days to Dismissal	Dismissal	2 Years

¹ In accordance with EO 5-17(b)-(c), the first offense for charges under 5-006 and 5-007 is triggered after the officer first receives training/counseling for a lack of service/verbal abuse complaint.

Section	Charge	1 st Offense	2 nd Offense	3 rd Offense	Reckoning Period
5-§011	Failure to comply with any Police Commissioner's orders, directives, memorandums, or regulations; or any oral or written orders of superiors.	Reprimand to 5 days	5 to 10 days	15 to 20 days	2 Years
5-§012	Failure to comply with the Department's Off Duty policy.	Reprimand to 10 days	5 to 15 days	15 to 20 days	2 Years
5-§013	Failure to comply with a court notice or subpoena.	Reprimand to 5 days	5 to 10 days	15 to 20 days	2 Years
5-§014	Allowing prisoner to escape through carelessness or neglect.	Reprimand to 10 days	15 to 20 days	25 to 30 days	5 Years
5-§015	Failure to take reasonable efforts to provide for the safety of prisoners while in police custody.	Reprimand to 5 days	5 to 10 days	15 to 20 days	5 Years
5-§016	Failure to remove keys from police vehicle when unattended.	Reprimand to 5 days	5 to 10 days	15 to 20 days	2 Years
5-§017	Loss or damage to Police Department property resulting from negligence or from failure to properly care for same. (Excludes City owned weapons)	Reprimand to 5 days and restitution	5 to 10 days and restitution	15 to 20 days and restitution	2 Years
5-§018	Lost or stolen City owned weapon resulting from negligence or failure to restitution properly care for same.	Reprimand to 15 days and restitution	20 days to Dismissal and restitution	30 days or Dismissal and restitution	5 Years
5-§019	Failure to properly care for and maintain a police vehicle.	Reprimand to 5 days	5 to 10 days	10 to 20 days	2 Years

Section	Charge	1 st Offense	2 nd Offense	3 rd Offense	Reckoning Period
5-§020	Performing any activity on duty which does not relate to the duty assignment and which could interfere with the duty assignment.	Reprimand to 5 days	5 to 10 days`	10 to 20 days	2 Years
5-§021	Failing to submit form 75-350, Change of Personnel Data, as prescribed.	Reprimand to 5 days	5 to 10 days	10 to 20 days	1 Year

ARTICLE VI

DISOBEDIENCE

Section	Charge	1 st Offense	2 nd Offense	3 rd Offense	Reckoning Period
6-§001	Unspecified	Reprimand to Dismissal	Reprimand to Dismissal	Reprimand to Dismissal	2 Years
6-§002	Absence from official duties without proper authorization during a declared emergency in the City of Philadelphia by the Mayor, the Governor of Pennsylvania, the President of the United States or their designees.	Reprimand to Dismissal	Reprimand to Dismissal	Reprimand to Dismissal	Duration of Employment
6-§003	Failure to immediately notify the Department about any involvement of which they are aware in criminal litigation as the defendant.	30 days or Dismissal	Dismissal	-----	Duration of Employment
6-§004	Failure to notify the Law Department of involvement in any civil action (whether a plaintiff, defendant or witness) arising from police duty within 5 calendar days.	Reprimand to 5 days	5 to 10 days	15 days to Dismissal	2 Years
6-§005	Soliciting without proper authorization.	5 to 10 days	10 to 15 days	20 to 30 days	2 Years
6-§006	Failure to follow Departmental procedures for the handling of evidence, personal effects, and all other property taken into custody except narcotics, money, explosives, firearms, hazardous materials or forensic evidence.	Reprimand to 5 days	5 to 10 days	15 to 20 days	5 Years

Section	Charge	1 st Offense	2 nd Offense	3 rd Offense	Reckoning Period
6-§007	Failure to follow Departmental procedures for the handling of narcotics, money, explosives, firearms, hazardous materials, or forensic evidence.	Reprimand to 5 days	5 to 10days	30 days or Dismissal	5 Years
6-§008	Discharging, using, displaying or improper handling of a firearm while not in accordance to Departmental Policy.	Reprimand to Dismissal	Reprimand to Dismissal	Reprimand to Dismissal	5 Years
6-§009	Improper or unauthorized use of Departmentally owned or leased equipment.	Reprimand to 5 days	5 to 10 days	15 to 20 days	2 Years
6-§010	Communicating or imparting local, state, or federal law enforcement information without authority or to unauthorized persons.	Reprimand to Dismissal	15 days to Dismissal	Dismissal	2 Years
6-§011	Having or operating private vehicle on beat or driving to or from a post without authorization.	Reprimand to 5 days	5 to 10 days	15 to 20 days	2 Years
6-§012	Failure to report on or off assignment as prescribed.	Reprimand to 5 days	5 to 10 days	15 to 20 days	2 Years
6-§013	Tardiness	Reprimand to 5 days	5 to 10 days	15 to 20 days	1 Year
6-§014	Unauthorized persons in police vehicle.	Reprimand to 5 days	5 to 10 days	15 to 20 days	2 Years
6-§015	Carrying or possessing unauthorized equipment while on duty.	Reprimand to 5 days	5 to 10 days	15 to 20 days	2 Years
6-§016	Wearing awards or citations on the uniform that have not been awarded.	Reprimand to 5days	5 to 10 days	15 to 20 days	1 Year

Section	Charge	1 st Offense	2 nd Offense	3 rd Offense	Reckoning Period
6-§017	When in uniform, failure to properly salute the Police Commissioner or a uniformed superior officer.	Reprimand to 5 days	5 to 10 days	15 to 20 days	1 Year
6-§018	Failure to give prescribed identification when answering the telephone.	Reprimand to 5 days	5 to 10 days	15 to 20 days	1 Year
6-§019	Refusal to give name and badge number when requested.	Reprimand to 5 days	5 to 10 days	15 to 20 days	2 Years
6-§020	Failure to provide a member of the public with the procedure, information or form concerning a complaint against police.	Reprimand to 5 days	5 to 10 days	15 to 20 days	2 Years
6-§021	Failure to notify the Department within 72 hours of initiating a private criminal complaint or being named in a private criminal complaint.	Reprimand to 5 days	5 to 15 days	15 days to Dismissal	2 years
6-§022	No one shall, without being subpoenaed and previously notifying the Chief Inspector of the Office of Professional Responsibility, appear or give testimony as a character witness for any defendant in a criminal trial or inquiry.	5 to 15 days	15 to 30 days	Dismissal	2 years
6-§023	Unapproved outside employment.	Reprimand to 5 days	5 to 10 days	10 to 20 days	1 Year
6-§024	Prohibited outside employment.	5 to 10 days	15 to 20 days	25 to 30 days	2 Years

Section	Charge	1 st Offense	2 nd Offense	3 rd Offense	Reckoning Period
6-§025	Willfully damaging Police Department owned or leased property and /or equipment.	Dismissal	-----	-----	-----
6-§026	Interference with Police Radio broadcasting.	Dismissal	-----	-----	-----
6-§027	Intentionally providing inaccurate, misleading, or deceptive information to Police Radio regardless of how communicated, on or off duty.	Reprimand to Dismissal	Reprimand to Dismissal	Reprimand to Dismissal	5 Years

ARTICLE VII

MOTOR VEHICLE VIOLATIONS

Section	Charge	1 st Offense	2 nd Offense	3 rd Offense	Reckoning Period
7-§001	Unspecified	Reprimand to 5 days	5 to 10 days	15 to 20 days	2 Years
7-§002	Involved in a preventable motor vehicle accident.	Reprimand to 3 days	3 to 5 days	5 to 10 days	1 Year
7-§003	Failure to follow Departmental procedures involving safe operation of a police vehicle [excluding pursuits and / or emergency driving].	Reprimand to 5 days	5 to 10 days	10 to 15 days	2 Years
7-§004	Failure to follow Departmental procedures involving pursuit and / or emergency driving.	Reprimand to 5 days	5 to 10 days	15 to 20 days	2 Years
7-§005	Failure to notify Commanding Officer in writing whenever PA Operator's License has lapsed, or expired.	Reprimand to 5 days	5 to 10 days	15 to 20 days	2 Years

ARTICLE VIII

FAILURE TO SUPERVISE

Section	Charge	1 st Offense	2 nd Offense	3 rd Offense	Reckoning Period
8-§001	Unspecified	Reprimand to 5 days	5 to 10 days	15 to 20 days	5 Years
8-§002	Failure to review, approve, input, submit or distribute all required reports, forms, documents or notifications in any medium.	Reprimand to 5 days and/or demotion	5 to 10 days and/or demotion	15 to 20 days and/or demotion	2 Years
8-§003	Failure to properly supervise subordinates.	Reprimand to 5 days and/or demotion	5 to 10 days and/or demotion	15 to 20 days and/or demotion	2 Years
8-§004	Failure to take supervisory action.	Reprimand to 5 days and/or demotion	5 to 10 days and/or demotion	15 to 20 days and/or demotion	2 Years
8-§005	Supervisors shall not personally solicit subordinates in any manner for any item unless authorized by the Police Commissioner or their official designee.	Reprimand to 5 days and/or demotion	5 to 10 days and/or demotion	15 to 20 days and/or demotion	2 Years
8-§-006	Threatening to or using physical force against a subordinate officer when either is on duty.	15 days to Dismissal and/or demotion	Dismissal	-----	Duration of Employment

BY COMMAND OF THE POLICE COMMISSIONER

ARBITRATION OPINION AND AWARD

American Arbitration Association

AAA Case # 0-21-0002-3120

**In the Matter of an Act 111 Interest Arbitration Between the
CITY OF PHILADELPHIA**

AND

**FRATERNAL ORDER OF POLICE,
LODGE 5**

**DISSENTING OPINION
OF CITY-APPOINTED ARBITRATOR**

September 14, 2021

Today, the interest arbitration panel (Panel) issued an Award in the Act 111 Interest Arbitration between the City of Philadelphia (the City) and the Fraternal Order of Police-Lodge 5 (the Union) that will govern the terms and conditions of employment for the City's police officers July 1, 2021 to June 20, 2024.

In most respects, the Award appropriately recognizes and attempts to balance the current reality for members of the unit—for over a year they have been on the frontlines fighting a public health crisis and now are in the midst of a gun violence pandemic that affects this bargaining unit more than any other group of employees. In addition to the increased demand on officers, the public has a heightened expectation for accountability for the members of the Police Department (the Department). In response to significant research by the Department and Police Advisory Commission and calls from members of the public, the Award provides some significant changes to the discipline and arbitration process to enhance accountability, fairness and transparency and the City lauds those changes.

However, because the Award disregards the City's ability to pay for its terms and fails to give any meaningful consideration to the impact of the Award on the City's financial condition, particularly given the effects of the pandemic, I dissent with respect to paragraph 2, regarding the wage increase over the three year contract period. Although I recognize that the wage package is reflective of the unique and extraordinary toll that the current state of violence is imposing on officers in this unit, along with the meaningful changes in the discipline process that the Award imposes, the Award does not do enough to consider the City's current fiscal challenges.

Impact on the Fund Balance

The Award provides for the following wage increases over the contract term:

- 2.75% increase effective July 1, 2021
- 3.50% increase effective July 1, 2022
- 3.50% increase effective July 1, 2023

These wage increases are projected to cost \$271.8 million over the life of the approved FY2022-2026 Five-Year Plan (Five-Year Plan)—more than the entire \$200 million approved in the current labor reserve for *all* of the City’s bargaining units. To push this number in context, the nearly \$272 million in added costs for police officers is more than the City’s Community College subsidy, more than the City’s Library budget, and more than the License & Inspection budget over the Five-Year Plan.

As Finance Director Rob Dubow and Budget Director Marisa Waxman explained in their testimony, the City was forced to draw down on its fund balance to survive the pandemic. The fund balance is a key indicator of the City’s financial health and helps ensure the City is able to be flexible and resilient to meet potentially changing cash flow needs. Since the 2008 recession, the City has made great strides in restoring the fund balance. Before the pandemic-induced recession, the City’s fund balance FY2019 year end fund balance was \$439 million. Yet, in FY2021 to continue delivering services, especially to the City’s most vulnerable populations, and minimize layoffs during the pandemic, the City was forced to draw down its reserves, ending the fiscal year at an estimated \$79 million balance—far, far below the Government Finance Officers Association (GFOA) recommendations and the City’s own internal goals, which target a fund balance equivalent to 6-8% of expenditures. Even without the wage increases imposed by this Award, the projected fund balances under the Five-Year Plan are below 3% of expenditures.

Incorporating the irresponsible wage increase under the Award, which average more than 3% per year of the contract, the City’s fund balance will be only \$50 million at the end

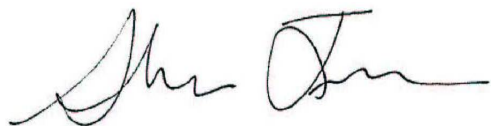
of FY2026. This fund balance, which is far below GFOA recommendations and the City's internal targets, is insufficient for the City to weather unexpected expenses that may arise due to the Delta Variant and the resurgence of COVID-19, not to mention provide raises for the City's other unionized employees whose contracts are also expired.

During the arbitration hearings throughout June and July 2021, the City was optimistic that the economy would continue to recover as people feel more comfortable working and shopping in the City. Now, as schools and offices are set to reopen, the City anxiously awaits to see how COVID-19 and the Delta Variant may impact this fragile return to in-person interaction.

In short, the wage increases under this Award are inappropriate in light of the City's financial condition. The City faces significant long-term and short-term challenges due to the impact of the pandemic, as well as its significant long-term and structural challenges, and every City employee and bargaining unit—including the FOP—should receive wage increases that reflect those difficult economic realities.

As the City works to recover from the pandemic, it must be strategic and mindful with its expenditures. The wage package awarded to the Union does not accord substantial weight to the Five-Year Plan and the City's ability to pay and jeopardizes the City's ability to provide critical services without making cuts contrary to the dictates of the PICA Act. Accordingly, I dissent from Paragraph 2 of the Award.

Dated: September 14, 2021



Shannon D. Farmer
Arbitrator for the City of Philadelphia

Accused Name, Badge, Payroll

Witnesses:

Comments:



Post-PBI Hearing Form

This form is an early version of an instrument to fill out post-PBI hearings. Any changes that you feel need to be made - and I trust there will be many over time - please let Josh know!

Information such as the specific charges of the case, how panel members voted, and the final discipline outcome will be recorded at a later date. This survey is meant capture your impressions and experience as a panel member.

Each PAC/CPOC staff member must complete this survey immediately following any appearance at PBI for a hearing, regardless of if the hearing occurs.

* Required

* This form will record your name, please fill your name.

1. Name of PAC/CPOC member on PBI (and theoretically filling out this form) *

2. Date of Hearing (MM/DD/YYYY) *

Please input date (M/d/yyyy)



3. PBI # *

4. IAD Case # *

5. Did the hearing occur as scheduled? *

Yes

No

6. If the hearing did not occur, please indicate why. If other, please briefly explain the issue.

Charging issue

Officer pled guilty and received command level discipline

Scheduling issue

Other

7. What time were you dismissed due to guilty plea, rescheduling, etc.?

8. At what time did the hearing begin? *

9. Was the entirety of the hearing recorded, including the closing arguments? *

- Yes
- No
- Not Applicable - hearing did not occur
- I don't know

10. Was there anything noteworthy about the hearing, such as behavior of FOP counsel, objections, problems with the IAD investigation, etc.? *

11. Did the Department Advocate (typically Lt. Michvech) try to influence the board to vote not guilty on a specific charge? *

Yes

No

12. If yes, please explain the charge and why the Department Advocate believed the accused was not guilty of it.

13. Please add anything else that you wish to include about any experiences or concerns observed during this specific PBI experience.

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 Microsoft Forms

PBI Board Member Survey

The Police Advisory Commission (PAC) and the PPD are working on a collaborative review of the Police Board of Inquiry (PBI). One of the goals is to gain a deep understanding of how the PBI hearings function, and then make recommendations for reforms so that the hearings can better serve the PPD and Philadelphia residents.

In order to accomplish this goal, we feel it is important to hear from PPD personnel who have served on PBI boards. Your firsthand knowledge will be invaluable.

We want to assure you that the information you provide to the PAC will be kept confidential. Candid feedback about your experiences with PBI will inform our recommendations, but we will not share your name or reveal what you tell us to anyone outside of the PAC. Your duty to participate in this survey is outlined in Executive Order 2-17.

Please contact PAC Policy Analysts Anjelica Hendricks (anjelica.hendricks@phila.gov) and Janine Zajac (janine.zajac@phila.gov) with any questions or concerns.

Please complete this survey by Wednesday, April 7, 2021.

*** Required**

1. What is your rank? *

Mark only one oval.

- Chief Inspector
- Inspector
- Staff Inspector
- Captain
- Lieutenant
- Sergeant
- Corporal
- Detective
- Police Officer
- Civilian

2. Why did you choose to become part of the pool of personnel able to serve on PBI boards? *

Serving on
a PBI
Board

Please answer the following questions. Please answer the questions the same, regardless if you acted as the board president or as a board member.

3. Please estimate the number of PBI hearings for which you were called to sit on a board. *

Mark only one oval.

0

1

2-4

5-7

8+

I do not recall

4. How much notice did you receive before you were required to serve on your most recent PBI board? *

Mark only one oval.

- 1 day
- 2-3 days
- 4-6 days
- A week or more
- I do not recall

5. Do you believe the amount of notice given to PBI members before they are scheduled to appear to serve on a board is sufficient? *

Mark only one oval.

- Yes
- No
- Sometimes

6. What is the standard of evidence for finding an officer guilty or not guilty of misconduct at a PBI hearing? *

Mark only one oval.

- Beyond a reasonable doubt
- Clear and convincing evidence
- Preponderance of the evidence
- Other

7. Did you receive instructions about the standard of evidence before deliberating the case(s) with the other PBI board members? *

Mark only one oval.

- Yes, during the hearing
- Yes, during training about PBI
- No
- I do not recall
- My case(s) settled with a plea before the hearing began

8. Would additional refresher trainings about administrative adjudication help you fulfill your responsibilities as a PBI board member? *

Mark only one oval.

- Yes
- No
- Maybe

9. Did the case(s) you adjudicated include any charges that you felt did not match with the facts of the case? *

Mark only one oval.

- Yes
- No
- I do not recall
- I did not adjudicate any cases

10. Were there any instances in which you may have come to a different finding if the charges were different? *

Mark only one oval.

- Yes
- No
- I do not recall
- I did not adjudicate any cases

11. Did you ever have any concerns about the IAD investigation related to a case you adjudicated as a board president or member? *

Mark only one oval.

- Yes
- No
- I do not recall
- I did not adjudicate any cases

12. If yes, please describe your concerns about the investigation. If you had no concerns, please write "no concerns." *

13. What stands out in your mind about your experiences serving on PBI boards? Were your experiences mostly positive or negative? *

14. Who should be responsible for prosecuting discipline cases brought against PPD personnel at PBI hearings? *

Mark only one oval.

- An officer from the PPD who is NOT an attorney acting as the Department Advocate
- An officer from the PPD who is an attorney acting as the Department Advocate
- An attorney from the City Solicitor's office
- An attorney from the Citizens Police Oversight Commission's Administrative Prosecution Unit
- Other: _____

15. Please explain your answer to the previous question. (Who should be responsible for prosecuting discipline cases brought against PPD personnel at PBI hearings?) *

16. Who should be responsible for deciding if PPD personnel are guilty or not guilty in discipline cases heard at PBI? *

Mark only one oval.

- PPD officers and/or supervisors
- Civil service commission
- Civilian hearing examiners
- A combination of two or more of the above
- Other: _____

17. Please explain your answer to the previous question. (Who should be responsible for deciding if PPD personnel are guilty or not guilty in discipline cases heard at PBI?) *

18. For hearings that resulted in a guilty finding, what factors influenced the penalty you recommended? If none of your hearings resulted in a guilty finding, please enter "N/A". *

19. If you could change anything about PBI hearings, what would you change and why?

*

20. Please share any other information that you think would be useful as the PAC and PPD examine PBI hearings. *

21. Thank you for participating in this survey. Please provide your name and contact information below. This information will only be used by PAC staff if follow-up is needed. Your name and responses will be kept confidential. *

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P.B.I. HEARING

<u>Hearing Date</u>	<u>PBI#</u>	<u>Investigation #</u>
---------------------	-------------	------------------------

<u>Accused Name</u>	<u>Badge #</u>
<u>Payroll #</u>	<u>District/Unit</u>

Article Section/Spec.	Penalty Range	Did the Police Department have a policy that prohibited the alleged violation(s)?				Applying the preponderance of evidence Standard, did the prohibited conduct occur?			
		Yes	No	Yes	No	Yes	No	Yes	No
		Yes	No	Yes	No	Yes	No	Yes	No
		Yes	No	Yes	No	Yes	No	Yes	No
		Yes	No	Yes	No	Yes	No	Yes	No
		Yes	No	Yes	No	Yes	No	Yes	No
		Yes	No	Yes	No	Yes	No	Yes	No
		Yes	No	Yes	No	Yes	No	Yes	No
		Yes	No	Yes	No	Yes	No	Yes	No
Please explain on the reverse side									

If the Police Commissioner finds the accused committed the disciplinary infraction as charged, I recommend the following penalty (include and additional recommendations such as transfer, restitution or demotion):

Article Section/Spec.	Penalty	Additional Recommendations

Board Member's Signature

Department Advocate (Signature/date/overall recommendations)

Deputy Commissioner (Signature/date/overall recommendations)

Police Commissioner (Signature / date/overall penalty)

Please explain why the prohibited conduct occurred (or did not occur) applying the preponderance of evidence



Issued Date: 11-18-22	Effective Date:11-18-22	Updated Date:
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SUBJECT: PHILADELPHIA PUBLIC SERVICES BUILDING SECURITY REGULATIONS

1. POLICY

- A. The Philadelphia Public Services Building (PPSB) is a city building which encompasses other city agencies besides the Philadelphia Police Department (PPD). In addition, it includes the Medical Examiner’s Office (MEO), Fire Radio and Public Property. Security at the Philadelphia Public Services Building (PPSB) will be enforced twenty-four (24) hours a day.

- B. The Police Headquarters Building Security Unit (PHBS) supervisors will be responsible for security of the building and patrol of the parking garage. In the absence of the PHBS supervisors, the Police Detention Unit (PDU) supervisors will assume responsibility.

REDACTED – LAW ENFORCEMENT SENSITIVE

NOTE: All PPSB Unit supervisors will be responsible to ensure that all personnel under their supervision will not use the loading bay doors for general entrance.

- E. All PPD supervisors will ensure that all sworn plainclothes and civilian personnel while inside the PPSB display their identification cards on their outermost garment at all times.

2. SECURITY AREAS

REDACTED – LAW ENFORCEMENT SENSITIVE

1. The officers will remain at their assigned areas until properly relieved.
2. The officers will be responsible for maintaining any log books at their assigned areas.
3. All non-uniformed persons entering the PPSB without an ID card displayed will be stopped by the PHBS officers and asked to identify themselves.
4. The officers assigned to the PHBS Unit will monitor the closed-circuit television and report any irregularities immediately to the PHBS Unit supervisors. During the 4 P.M. x 12 A.M. and 12 A.M. x 8 A.M. tour, officers will notify the supervisors from the PDU. The PPSB is under 24 hour surveillance.

NOTE: Anyone who requests video footage from the PPSB cameras will use the [Intelligence Bureau Request for Information \(RFI\) Form](#) located under the “Forms” section on the Philadelphia Police Department’s Intranet Homepage.

5. Alarm systems at the PPSB will be maintained by Elliot-Lewis 24 hours a day, 7 days a week. Major issues will be reported immediately to the on duty PHBS Unit officer at the Security Reception Desk who will make the proper notifications.
- B. PHBS officers will be assigned to the 4th floor Security Desks Monday through Friday and will be responsible for the security of the executive offices.

REDACTED – LAW ENFORCEMENT SENSITIVE

- C. Personnel from PHBS Unit will examine all packages and letters delivered to the PPSB for any irregularities (Refer to [Directive 4.5, “Bomb Scares, Explosive Devices and Explosions.”](#) Section 7, “Letter and Parcel Bomb Incidents”).
- D. Visitors will be admitted as follows:
1. All visitors having business in the PPSB will be stopped asked to identify themselves, state their business, and be required to enter their name in the visitor log book.
 - a. The visitor will be announced to the appropriate office via telephone. When it is ascertained that the visitor is expected, the appropriate entries will be made in the log book.

- b. The visitor will wait for a member of the pertinent office to meet PHBS personnel at the Security Reception Desk for an escort. An escort will be required for all visitors to and from the various offices.
2. All persons entering the PPSB for purposes of criminal registration will enter through the designated doors located on 15th Street closet to the Bay 1 doors.
3. All sworn police personnel assigned to any unit in the PPSB will stop and question persons who are not being escorted or displaying identification. Persons found without an escort will be brought to the Security Reception Desk for investigation.
4. Groups touring the PPSB will sign in and out as a group by their police escort.

E. Prisoners

1. **Under no circumstances will prisoners be brought into the PPSB through the main lobby.** Police personnel transporting adult prisoners will use the PDU garage entrance located down the ramp at 15th and Callowhill Streets and in accordance with provisions outlined in [Directive 7.8, “Adult Detainees in Police Custody.”](#)
2. The PHBS officer at the Security Reception Desk will accept documents (Bail Certificates or Copy of Charges) from people seeking release of prisoners and will contact the PDU supervisor.
 - a. The PDU supervisor will assign an officer to obtain the document from the PHBS officer at the Security Reception Desk.
 - b. When arrangements have been completed for the prisoner’s release, the PDU officer will escort the prisoner to the designated door next to Bay 1 on the 15th Street side of the PPSB.
3. Police personnel transporting juvenile prisoners to the PPSB for processing will use the double doors next to the MEO’s **REDACTED – LAW ENFORCEMENT SENSITIVE** and in accordance with the provisions outlined in [Directive 5.5, “Juveniles in Police Custody.”](#) PHBS Unit officers will monitor these doors via closed circuit television and allow authorized personnel access to the building.

3. PARKING GARAGE

A. The PPSB has two parking areas.

REDACTED – LAW ENFORCEMENT SENSITIVE

1. The PHBS officer will:

- a. Allow only official police vehicles, personal vehicles displaying valid permits and city vehicles on official business to park in the PPSB parking garage.
 - b. Designate visitor parking spots, when available, for visitors having official business at the PPSB.
 - c. Pay particular attention to people entering and leaving the building during hours of darkness.
2. Unauthorized vehicles will be issued a PVR and towed.

REDACTED – LAW ENFORCEMENT SENSITIVE

RELATED PROCEDURES	Directive 4.5,	Bomb Scares, Explosive Devices and Explosions
	Directive 5.5,	Juveniles in Police Custody
	Directive 7.8,	Adult Detainees in Police Custody

BY COMMAND OF THE POLICE COMMISSIONER

Public Opinion Toward the Philadelphia Police Department's Civilian Complaint Review Process

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Executive Summary

This report documents key findings from a series of surveys of Philadelphia residents. These surveys had three main goals: (1) to measure baseline levels of trust in government institutions and opinions of the city's process for civilian complaints against police; (2) to measure factors influencing self-reported willingness to file complaints; and (3) to measure the impact of providing information about the civilian complaint process on attitudes and willingness to file complaints. Throughout, we primarily report (a) raw results for our sample of over two thousand respondents; two additional sets of results are also provided that reweight respondents to align (b) with Philadelphia residents and (c) with individuals who filed complaints against the Philadelphia Police Department, respectively.

On baseline perceptions, we find:

- There is a widespread belief that Black people are treated worse than White people by Philadelphia police officers. Specifically, 65.7% of the sample believe that police officers in Philadelphia treat Black people worse than White people. This was most pronounced when responses were reweighted to match complainant demographics, where 72.5% expressed this sentiment.
- Respondents were asked whether they would call the police if they were a victim of a crime, on a four-point scale ranging from "very unlikely" to "very likely." The average response was 3.3, between "likely" and "very likely." This declined significantly when respondents were asked whether they would call the police when witnessing a crime (2.9, between "unlikely" and "likely") or witnessing a mental health crisis (2.7).
- Respondents were asked to report how much trust they had in Philadelphia police, on a four-point scale ranging from "none" to "a lot." The average was 2.5, between "little" and "some" trust. With a few exceptions, we note that this rating is statistically indistinguishable from trust in other institutions such as Philadelphia courts, the Philadelphia mayor, and Congress.
- Respondents were asked what they thought a fair penalty would be for three forms of police misconduct, on a five-point scale ranging from "nothing" to "criminal charges." The average response in cases of physical abuse was 4.3 (between "fired" and "criminal charges"), which was significantly higher than for either of the other two types of misconduct. The average response for verbal abuse was 3.3 (between "suspended without pay" and "fired"), and the average response for lack of service was 2.6 (between "counseling/warning" and "suspended without pay").

On factors influencing willingness to file misconduct complaints:

- Among respondents, 4.5% described a complaint-worthy experience with police. However, among this group, 73% indicated that they did not intend to file a complaint. This suggests that official complaint records may represent only a small portion of misconduct.
- Fifty-seven percent of respondents indicated that they would be willing to be interviewed alone by police investigators as part of a misconduct investigation. Respondents were significantly more willing to attend an interview when accompanied by another person,

regardless of whether the person was a civilian police employee (79%), a civilian city employee (82%), or a friend or family member (90%).

- Respondents reported being significantly less likely to file a complaint if they knew that the investigation and penalty process would take more than one year (a decrease of 0.15 points on a five-point scale ranging from “very unlikely” to “very likely,” compared to if it took 6–12 months). They reported being significantly more willing to file if the process took less than six months (by 0.19 points). For context, our previous [analysis](#) of the city’s complaint process for the years 2015-2020 found that the average length of the Internal Affairs investigative process alone was roughly six months, and cases that proceeded to Police Board of Inquiry discipline took on average well over one year.

On the impact of transparency initiatives:

- We find that providing detailed statistics about the civilian complaint review process—specifically, (1) the frequency and composition of misconduct allegations, (2) the rate at which allegations were sustained, and (3) the rate at which officers are disciplined for sustained misconduct—consistently lowers trust in government institutions. Providing this information also decreased respondents’ self-reported willingness to call police for help after being victimized in a hypothetical crime. Finally, it caused respondents to report preferences for more severe penalties for verbal abuse, compared to their preferred penalty prior to seeing these statistics.
- However, we find that compared to the provision of these statistics, an alternative form of transparency—the provision of detailed information about individual misconduct cases, including a general narrative of the interaction, specific allegations of misconduct, complainant and officer demographics, investigation acts undertaken and their timeline, evidence considered in the investigation, and investigatory conclusions—significantly increased trust in a range of government institutions, reduced perceptions of police discrimination, and reduced the preferred penalty for physical and verbal abuse.

In sum, we find that a transparency initiative revealing aggregate police misconduct data may diminish trust in and attitudes toward police and government in general. We caution that this does not necessarily mean that transparency erodes trust *per se*, or that it should be avoided. Rather, exposure to facts relating to the performance of the civilian complaint process *as it currently stands* reduces trust. If the system were improved, it is possible that such transparency initiatives would have the opposite effect. Moreover, other forms of transparency—specifically, the provision of richer case-level narratives describing precisely what kinds of misconduct were alleged and what steps were taken to investigate them—may ameliorate these issues.

Methodology

In 2022, we surveyed a total of 2,360 Philadelphia residents about their views on policing in Philadelphia and the process for civilian complaints against police.

A number of checks were implemented to ensure the highest-quality sample possible. These included, among others: an attention check question at the beginning of the survey, which asked respondents to provide a particular response to the question, and a speeding check which measured the total amount of time each respondent took to complete the survey. Respondents who answered the attention check question incorrectly or completed the survey in less than the minimum required time were excluded from the analysis, as failing these checks indicates they were not reading the survey closely.

[Appendix A](#) provides a detailed account of the demographic composition of our survey sample (“sample”), the demographic composition of residents of the city of Philadelphia (“city”), and the demographic composition of individuals who filed complaints against the Philadelphia Police Department between 2015 and 2020 (“complainants”). We note here a few key differences.

First, relative to the city, our survey sample contains a larger percentage of respondents who identify as female (66% in our sample, vs. 54% among Philadelphia residents and 53% among complainants); a larger percentage who identify as White (49% vs. 34% and 23%); and a larger percentage who are aged 44 or under (67% vs 52% for the city, though a comparable 66% of complainants fall into this category).

We note that relative to Philadelphia residents overall, both the sample and complainants are more educated; the percentage of people with more than a high school diploma (e.g., a college or advanced degree) is 33% for the city population, versus 48% for complainants and 54% for survey respondents.

We further note that relative to the city, both the sample and complainants are higher income and are more likely to be employed. The percentage of people earning \$40,000 or more per year is 42% for Philadelphia residents as a whole, 47% for complainants, and 49% for survey respondents. The percentage of people holding paid employment is 52% for Philadelphia residents as a whole, 64% for survey respondents, and 67% for complainants.

Finally, we note that all three populations skew heavily Democrat; 66% among Philadelphia residents as a whole, 69% among survey respondents, and 71% among complainants.

All results in the subsequent sections are reported primarily for the survey sample, but for reference we also include results reweighted to match city demographics and reweighted to match complainant demographics in [Appendix F](#) and [Appendix G](#), respectively.

We also note that responses were collected through two survey waves that differ slightly in experimental methodology. Wave 1 was collected from March to April, 2022; Wave 2 responses were collected from October to November 2022.

Trust in Police

We asked respondents three questions regarding trust in police. In the first question, they were asked to report how much confidence they have in a series of government institutions—including Philadelphia police, Philadelphia courts, the U.S. Congress, and the U.S. military—on a four-point scale ranging from "none" to "a lot." In the second, they were asked to report whether they think police in Philadelphia treat Black people the same, better than, or worse than White people. In the third, they were asked to report how likely they would be to call the police for assistance in various scenarios—if they were a victim of a crime, if they witnessed a crime, or if they saw someone experiencing a mental health crisis—on a four-point scale ranging from "very unlikely" to "very likely."

The table below displays average responses for all three trust questions, which represent baseline values before any information interventions or experiments.

Table 1: Responses to questions about trust in various organizations, whether they perceive police to treat Black people worse than White people, and their likelihood of reporting incidents to the police. Trust responses are coded on a 1-4 scale, where 1 indicates lowest trust and 4 indicates highest trust. Officer Racism responses are coded on a 0-1 scale, where 0 indicates police officers treating Black people better or equal to White people, and 1 indicates police officers treating Black people worse than White people. Reporting responses are coded on a 1-4 scale, where 1 indicates lowest likelihood of calling the police, and 4 indicates highest likelihood of calling the police.

Variable	Mean
Trust Congress	2.265
Trust Courts	2.396
Trust Mayor	2.253
Trust Military	2.989
Trust Police	2.486
Officer Racism	0.657
Crime Reporting, Victim	3.252
Crime Reporting, Witness	2.944
Crime Reporting, Saw Mental Crisis	2.676

We found that the average response value for trust in police falls between 2 (a little) and 3 (some) on a 1-4 scale, where 1 indicates lowest trust and 4 indicates highest trust. With a few exceptions, we note that this rating is statistically indistinguishable from trust in other institutions like Philadelphia courts, the Philadelphia mayor, and the U.S. Congress.

Regarding perceived bias in treatment of civilians by police, 66% of the sample believe that police officers in Philadelphia treat Black people worse than White people. This sentiment was most pronounced when responses were reweighted to match complainant demographics, where 73% indicated worse treatment of Black people. Disaggregating these results by race, in the

unweighted sample, 79% of Black respondents said police treat Black people worse than White people, compared to 56% of White respondents; a statistically significant difference. This result is broadly similar to the results of [national polls](#).

When asked if they would call the police if they were hypothetically a victim of a crime, respondents under all reweighting conditions reported average responses between 3 (likely) and 4 (very likely). The average likelihood of calling the police for help drops to between 2 (unlikely) and 3 (likely) when respondents are asked to consider whether they would call the police if they witnessed a crime or saw someone experiencing a mental health crisis. This suggests that respondents are most likely to call the police in the case of being personally harmed, and generally will still call the police in such a scenario, irrespective of the reported lackluster trust in police. The reported likelihood of calling the police is significantly larger in hypothetical personal victimization, compared to reported likelihood when witnessing a crime or witnessing someone experiencing a mental health crisis.

Fair Penalties for Misconduct

We asked respondents one question about their view of fair penalties for three of the most commonly reported kinds of police misconduct in Philadelphia: verbal abuse, physical abuse, and lack of service.

Table 2: Responses to question about what is the fair penalty for police misconduct. Fair punishment responses are coded on a 1-5 scale, where 1 indicates the lightest penalty and 5 indicates the most severe penalty.

Variable	Mean
Verbal Abuse	2.590
Physical Abuse	4.336
Lack of Service	3.301

We found that respondents believe physical abuse should be punished most severely, with average responses ranging between 4 (Fired) and 5 (Criminal Charges). This gap is statistically significant when comparing physical abuse to each of the other two types of misconduct examined.

We found that respondents believe that lack of service should be punished next most severely, with average responses hovering just above 3 (Suspended without Pay). We found that respondents believe verbal abuse should be punished least severely, with responses ranging between 2 (Counseling/Warning) and 3 (Suspended without Pay). These results represent descriptive rank-ordered preferences, but were not subjected to any additional tests for statistical significance.

Transparency Intervention

We tested the effect of providing respondents with accurate information about the process for civilian complaints against police in Philadelphia on respondent trust and on respondent views about fair penalties for police misconduct. We did this in two ways. In one experiment, we estimated the effect of providing aggregate statistical summaries relating to the complaint process—specifically, (1) the frequency and composition of misconduct allegations, (2) the rate at which allegations were sustained, and (3) the rate at which officers are disciplined for sustained misconduct—on these outcomes. In a separate experiment, we estimated the effect of providing this aggregate statistical information relative to providing narrative summaries of specific complaint investigations.

The former experiment was constructed such that respondents were randomly assigned to either a “trust” condition or a “penalty” condition. Those in the “trust” condition were asked questions about trust in police, then shown a transparency intervention with accurate statistics about civilian complaints against police in Philadelphia, then asked the same questions about trust in police again. Similarly, those in the “penalty” condition were asked a question about fair penalties for police misconduct, then shown a transparency intervention with real information about civilian complaints against police in Philadelphia, then asked the same question about fair penalties for police misconduct again. The statistics shown included the average number of complaints filed per day in Philadelphia; the three most common complaint types and the proportion of overall complaints they represent; the number of complaints sustained or not; and the number of complaints resulting in warnings and suspensions.

This design enabled separate estimates of how the aggregate-statistics transparency intervention affected trust and opinions about fair penalties for police misconduct, respectively.²

The tables below report average respondents’ answers to these questions before and after seeing the intervention, as well as the pre-post difference between the two.

We note that these tables and several others in the following section display the results of tests for statistical significance. A statistically significant difference is indicated by “*” or “***” next to the difference coefficient, and a P-Value less than 0.05. A greater number of stars and a P-Value closer to 0 indicate a higher level of statistical significance.

² Respondents assigned to the “trust” condition were eventually asked the question about fair penalties for police misconduct, and respondents assigned to the “penalty” condition were eventually asked the questions about trust in police.

Table 3: Responses to questions about trust in various organizations and whether they perceive police to treat Black people worse than White people. Trust responses are coded on a 1-4 scale, where 1 indicates lowest trust and 4 indicates highest trust. Officer Racism responses are coded on a 0-1 scale, where 0 indicates police officers treating Black people better or equal to White people, and 1 indicates police officers treating Black people worse than White people.

Variable	Pre-Mean	Post-Mean	Difference	P-Value
Trust Congress	2.322	2.249	-0.073**	0.008
Trust Courts	2.433	2.341	-0.092**	0.002
Trust Mayor	2.278	2.216	-0.061*	0.019
Trust Military	2.967	2.934	-0.033	0.158
Trust Police	2.471	2.313	-0.158**	0
Officer Racism	0.654	0.671	0.016	0.145

Table 4: Responses to questions about their likelihood of reporting incidents to the police. Reporting responses are coded on a 1-4 scale, where 1 indicates lowest likelihood of calling the police, and 4 indicates highest likelihood of calling the police.

Variable	Pre-Mean	Post-Mean	Difference	P-Value
Crime Reporting, Victim	3.266	3.186	-0.080**	0.005
Crime Reporting, Witness	2.934	2.899	-0.035	0.183
Crime Reporting, Saw Mental Crisis	2.612	2.602	-0.009	0.722

Table 5: Responses to question about what is the fair penalty for police misconduct. Fair punishment responses are coded on a 1-5 scale, where 1 indicates the lightest penalty and 5 indicates the most severe penalty.

Variable	Pre-Mean	Post-Mean	Difference	P-Value
Fair Punish Verbal Abuse	2.717	2.796	0.079*	0.047
Fair Punish Physical Abuse	4.518	4.564	0.046	0.149
Fair Punish Lack of Service	3.082	3.106	0.024	0.546

For the raw respondent sample and both reweighting conditions, we found that the transparency intervention lowered trust in all government institutions about which respondents were asked, with the exception of the military (the intervention was estimated to lower trust in the military as well, but not at a level that met the threshold for statistical significance). It also decreased respondents' reported likelihood of calling the police for help in the event of being a victim of a crime. Finally, it caused respondents under all reweighting conditions to report preferences for more severe penalties for verbal abuse than they did prior to the intervention. All reported results are statistically significant at the 0.05 level.

To estimate the effect of providing statistical summaries relative to narrative summaries, we conducted a separate survey in which we randomly assigned respondents to one of two versions of the transparency intervention:

1. A narrative intervention, in which respondents were shown one anonymized summary of a complaint case and investigation, randomly assigned from among a set of 75 narrative summaries prepared for this experiment.
2. The previously described aggregate-statistics intervention, in which respondents were shown summary statistics about the overall process.

The statistics transparency intervention was generated based on a close reading and manual coding of actual complaint memos furnished by the Philadelphia Police Department, as well as analysis of complaint metadata obtained through OpenDataPhilly. The narrative transparency intervention was generated by selecting a random sample of 25 cases for each of the three most commonly reported complaint types (lack of service, physical abuse, and verbal abuse) and preparing concise, neutral summaries drawn from Internal Affairs investigatory memos and, where relevant, Police Board of Inquiry disciplinary rulings. Summary narratives included a general description of the interaction, specific allegations of misconduct, complainant and officer demographics, investigation acts undertaken and their timeline, evidence considered in the investigation, and investigatory conclusions. We compared the sustain and penalty rates for our random sample against those of the entire sample used for our analysis to ensure representativeness. Examples of each transparency intervention are contained in [Appendix C](#) and [Appendix D](#), respectively.

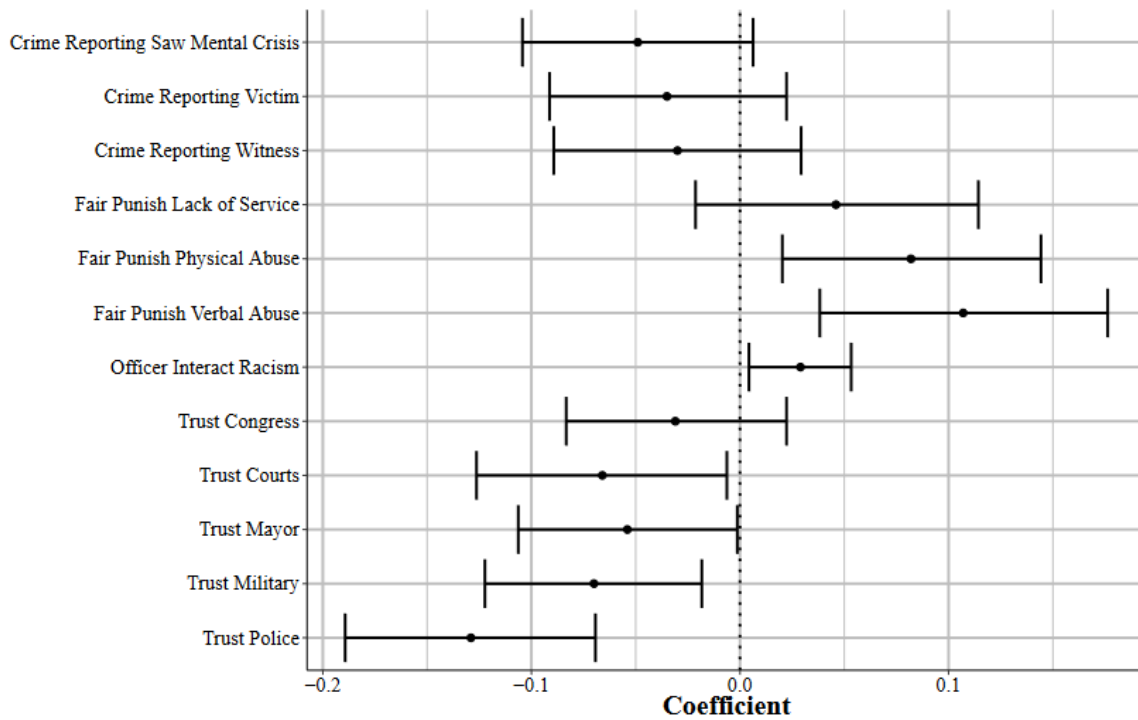
To test the effect of these interventions, we then measured the difference between (1) the pre-post change in responses between respondents in the detailed-narrative transparency intervention and (2) the pre-post change in responses between respondents in the aggregate-statistics transparency intervention. In other words, we estimated differences in the effect of one intervention relative to the other.

The figure below shows the effect of the statistics transparency intervention, relative to the effect of the narrative transparency intervention (we note that [Appendix E](#) contains a plot showing the inverse—the effect of the narrative transparency intervention, relative to the effect of the statistics transparency intervention). If the effect on respondents were identical for both interventions, the coefficients—represented by the black dots on the plot—would fall along the dotted line in the center, representing zero. If the effect were different, we would see the coefficients falling on either side of the center line. If an effect is statistically significant, the confidence interval—represented by the black lines on either side of each point—will not overlap zero.

We find statistically significant differences in the effects of the two transparency interventions. Specifically, the plot shows that relative to the effect of the narrative intervention, respondents in the sample who were shown the statistics transparency intervention reported preferences for more severe penalties for physical abuse and verbal abuse, reported stronger beliefs that

officers treat Black people worse than White people, and reported lower trust in Philadelphia courts, the U.S. military, and Philadelphia police.

Figure 1: Effect of statistics transparency treatment, relative to the effect of the narrative transparency treatment. Each dot represents the coefficient while the vertical bars to each side of the dot are the 95% confidence intervals. Results are statistically significantly different from the statistics treatment when both sides of the confidence interval is either to the left or to the right of the dotted vertical line indicating zero effect, and does not cross the dotted line.



We note that respondents exhibited a high level of interest in information about police misconduct investigations. Both versions of the transparency intervention contained at least one section where respondents could opt to read more about an aspect of the complaint process, or proceed to the next section of the transparency intervention. At each of these points, at least 65% of survey respondents opted to read more.

The table below shows “read more” results for the narrative transparency intervention. We note that respondents assigned to the narrative transparency intervention were also asked, after reading the case assigned to them, whether they thought the accused officer had in fact committed wrongdoing, and whether they thought the case was investigated fairly. These results are also reported below.

Table 6: The number and percent of respondents who wanted to read more about the case, thought the officer committed wrong doing, and thought the case was investigated fairly, respectively, for the three different case types: lack of service, physical abuse, and verbal abuse. For “want to read more” the only choices were “Yes” or “No”; for the other categories respondents could also choose “I Don’t Know.”

Variable	Case Type	Yes	No	I Don’t Know
Want to Read More	Lack of Service	185 (75.20%)	61 (24.80%)	-
	Physical Abuse	193 (76.89%)	58 (23.11%)	-
	Verbal Abuse	187 (73.05%)	69 (26.95%)	-
Officer Wrongdoing	Lack of Service	138 (56.10%)	53 (21.54%)	55 (22.36%)
	Physical Abuse	123 (49.00%)	54 (21.51%)	74 (29.48%)
	Verbal Abuse	134 (52.34%)	49 (19.14%)	73 (28.52%)
Investigated Fairly	Lack of Service	75 (30.49%)	121 (49.19%)	50 (20.33%)
	Physical Abuse	92 (36.65%)	102 (40.64%)	57 (22.71%)
	Verbal Abuse	79 (30.86%)	100 (39.06%)	77 (30.08%)

The table below shows “read more” results for the statistics transparency intervention.

Table 7: The number and percent of respondents who wanted to know about complaint types, reasons why investigators might not be able to tell if the complaint was serious, and warning types.

Want to Know More About...	Yes	No
Complaint Types	559 (73.07%)	206 (26.93%)
Not Tell if Serious	507 (66.27%)	258 (33.73%)
Warning Types	514 (67.37%)	249 (32.63%)

Complaint Filing Preferences

We asked respondents about their likelihood of filing a complaint against police in the event of experiencing three of the most commonly reported types of police misconduct. Results are shown in the table below.

Table 8: **The likelihood that a respondent would file a complaint by the three complaint categories: physical abuse, verbal abuse, and lack of service. Results are coded on a 1-4 scale, where 1 indicates lowest likelihood of filing a complaint, and 4 indicates highest likelihood of filing a complaint.** Results also show whether physical abuse is statistically significantly different than either verbal abuse or lack of service. * $p < .05$, ** $p < .01$.

Variable	Mean	P-Value
Physical Abuse	3.630	-
Verbal Abuse	2.792**	0.000
Lack Service	3.011**	0.000

We found that across all reweighting conditions, respondents report the highest likelihood of filing a complaint when hypothetically experiencing physical abuse, compared to each of the other forms of misconduct; these differences were statistically significant. Respondents reported the next greatest likelihood of filing a complaint for lack of service, followed by verbal abuse with the lowest reported likelihood. This rank ordering of complaint-filing likelihood for various types of misconduct mirrored the expressed ranked-order preferences for the severity of discipline imposed on officers found to have committed said misconduct.

In the first survey wave, we randomly assigned respondents to one of three versions of a complaint filing information intervention:

1. An Internal Affairs complaint filing intervention, where respondents were shown real instructions for how to file a complaint prepared by Philadelphia Police Department's Internal Affairs office ("IAD").
2. A Police Advisory Commission complaint filing intervention, where respondents were shown real instructions for how to file a complaint prepared by the Police Advisory Commission ("PAC").
3. None, where respondents were not shown any instructions for how to file a complaint ("None").

We did not find a statistically significant difference in reported likelihood of filing a complaint based on which complaint filing intervention respondents received. In other words, respondents did not display a measurable difference in preference between the two venues. As a result, we collected the remaining survey sample excluding this intervention.

Table 9: The likelihood that a respondent would file a complaint by the three complaint categories: physical abuse, verbal abuse, and lack of service and among three different treatment groups. People assigned to the PAC group were shown real instructions for how to file a complaint with the Police Advisory Commission; people in the IAD group were shown real instructions for how to file a complaint with Philadelphia’s Internal Affairs office; people in the “None” group were not shown any instructions for how to file a complaint. Results are coded on a 1-4 scale, where 1 indicates lowest likelihood of filing a complaint, and 4 indicates highest likelihood of filing a complaint. Results also show, for each complaint type, whether being assigned in the PAC group or the IAD group leads to a statistically significantly difference than being assigned to no groups. * $p < .05$, ** $p < .01$.

Variable	Condition	Mean	Difference	P-Value
Verbal Abuse	None	2.756	-	-
	PAC	2.725	-0.032	0.610
	IAD	2.803	0.047	0.437
Physical Abuse	None	3.630	-	-
	PAC	3.632	0.002	0.964
	IAD	3.618	-0.011	0.806
Lack Service	None	3.038	-	-
	PAC	3.107	0.069	0.231
	IAD	3.117	0.079	0.173

We also conducted three additional experiments asking respondents about their preferences for participating in the process for civilian complaints against police, in which they were randomly assigned to consider one option for each question. Questions were asked about willingness to appear at various locations for misconduct-investigation interviews, willingness to be interviewed alone or accompanied by various other individuals, and the amount of time expected before the investigation and discipline process concluded.

Table 10: **Willingness to attend an interview, with randomization for interview place, who would accompany the complainant, and the time it takes for the investigation to occur.** Interview place and “with who” are binary variables with 0 = “no” and 1 = “yes”; interview time is a five-point Likert scale from 1 = “very unlikely” and 5 = “very likely.” Reference categories are the ones that most closely reflect actual policies. * \$ p < \$.05, ** \$ p < \$.01.

Variable	Condition	Mean	Difference	P-Value
Interview Place	Internal Affairs Office	0.826	-	-
	At Home	0.906	0.080**	0.000
	Nearby Police Station	0.894	0.068**	0.003
	Online	0.822	-0.004	0.888
	Pac Office	0.799	-0.027	0.287
Interview With Who	Alone	0.569	-	-
	Police Civilian Employee	0.792	0.223**	0.000
	Non-Police Employee	0.866	0.297**	0.000
	Civilian Employee	0.820	0.251**	0.000
Interview Time	Friend Or Family	0.896	0.327**	0.000
	6-12 Months	3.158	-	-
	Less Than 6 Months	3.346	0.189**	0.000
	Over 1 Year	3.010	-0.148**	0.007

Across all reweighting conditions, respondents reported a statistically significant increase in willingness to attend an interview when accompanied by others, compared to having to attend interviews alone. In other words, having company increased willingness to attend an interview. We did not find statistically significant differences in willingness depending on who, specifically, the person accompanying them might be.

For both the raw sample and the city-reweighted analysis, we found a statistically significant preference to be interviewed at home or at a nearby police station, rather than the Internal Affairs office. We also found that respondents reported a lower likelihood of filing a complaint in the event of experiencing police misconduct if they knew it would take more than a year to obtain a resolution to their complaint.

In both the raw sample and the complainant-reweighted results, respondents also reported a greater likelihood of filing a complaint in the event of experiencing police misconduct if they knew it would take less than 6 months to obtain a resolution to their complaint.

Intent to File

Finally, we asked respondents one question about whether they actually intended to file a complaint against a Philadelphia police officer in the near future. They were able to select either (1) no, because they hadn't had a complaint-worthy experience; (2) no, because they had a complaint-worthy experience but didn't want to file a complaint; or (3) yes, because they had a complaint-worthy experience and wanted to file a complaint about it.

Table 11: **Responses to question about whether they actually intended to file a complaint against a Philadelphia police officer in the near future.** Results are shown combining all respondents, dividing respondents by self-reported race, and dividing respondents by self-reported educational attainment.

Response	Respondents
No, have not had an experience	1976 (83.73%)
No, but have had an experience	273 (11.57%)
Yes	111 (4.70%)

(a) All Respondents

Intend to File a Complaint	Asian	Black/African American	Hispanic	Other/Multiple Races	White
No, have not had an experience	99 (89.19%)	591 (80.74%)	185 (80.43%)	110 (82.09%)	991 (85.95%)
No, but have had an experience	5 (4.50%)	103 (14.07%)	33 (14.35%)	21 (15.67%)	111 (9.63%)
Yes	7 (6.31%)	38 (5.19%)	12 (5.22%)	3 (2.24%)	51 (4.42%)

(b) Respondents Broken Down by Race

Intend to File a Complaint	Less than a high school diploma	High school diploma or GED	College degree	Graduate degree
No, have not had an experience	65 (79.27%)	835 (83.42%)	766 (84.27%)	310 (84.24%)
No, but have had an experience	14 (17.07%)	132 (13.19%)	93 (10.23%)	34 (9.24%)
Yes	3 (3.66%)	34 (3.40%)	50 (5.50%)	24 (6.52%)

(c) Respondents Broken Down by Education

We found that the vast majority of respondents—84%—reported that they had not had any complaint-worthy experiences with police. When we examined results broken out by race, we found that across all reweighting conditions, White Philadelphians were more likely than Black Philadelphians to report that they had no complaint-worthy experiences with police (86% versus 81%, respectively); this disparity is statistically significant. We did not find any such differences across education levels.

However, we caution that among the remaining 16% of respondents that reported a complaint-worthy experience, three quarters did not provide sufficient information to verify the nature of the experience in a subsequent open-ended response. Overall, 4.5% of respondents both indicated a complaint-worthy experience and articulated what that experience had been; we elaborate on the categorization of responses below.

Among respondents who indicated having had a complaint-worthy experience with police (384 out of 2,360 total respondents, representing 16% of the total), 28% of them followed up with a free-text response containing a reasonably coherent explanation of their experience ("coherent,

explained"). We note that completing this field was optional; respondents were not required to provide details on their experience. Another 39% either declined to provide further details (were coherent responses, but did not explain the experience), appeared not to have understood the original question (e.g., contradicted the initial response by indicating they had not actually had a complaint-worthy experience, described an experience of criminal victimization rather than mistreatment by a police officer). The remaining individuals either gave an ambiguous response (10%), a gibberish or otherwise incoherent response (11%), or gave no response at all to this optional field (12%).

Table 12: Responses to question about whether they actually intended to file a complaint against a Philadelphia police officer in the near future, dividing responses by the explanation they provided about the incident.

Intend to File a Complaint	Respondents with Complaint-Worthy Experiences					
		Coherent, Explained	Coherent, Did Not Explain	Ambiguous	Gibberish	No Response
No, but have had an experience	273 (71.09%)	77 (20.05%)	116 (30.21%)	25 (6.51%)	17 (4.43%)	38 (9.90%)
Yes	111 (28.91%)	29 (7.55%)	32 (8.33%)	15 (3.91%)	26 (6.77%)	9 (2.34%)
Totals	384 (100.00%)	106 (27.60%)	148 (38.54%)	40 (10.42%)	43 (11.20%)	47 (12.24%)

We note that the proportion of respondents who indicate having had a complaint-worthy experience with police is noticeably higher when responses are reweighted to complainants—20%, compared to 16% for both the city at large and the raw sample. When the response for the complainant reweighting is compared to either the raw sample or city weights, the disparity is statistically significant.

Finally, only a small fraction of the respondents who indicate having had a complaint-worthy experience with police also indicate that they would be willing to file a complaint about their experience. Specifically, among the 16% of respondents in our sample who indicated having had a complaint-worthy experience, only 5% indicated willingness to file a complaint. We caution that the aforementioned issues with our open-ended followup-question indicate that a portion of our respondents may not have properly understood the original question. Nevertheless, the notable gap between those who report having a complaint-worthy experience and those who express interest in actually filing a complaint suggests that the number of official complaints filed may substantially undercount the true rate of complaint-worthy incidents.

Appendix

A. Demographics

The table below provides a detailed account of the demographic composition of our survey sample (“Survey”), the demographic composition of the city of Philadelphia (“City”), and the demographic composition of individuals who filed complaints against the Philadelphia Police Department between 2015 and 2020 (“Complainants”).

We reweight the survey sample using the following variables for the city: gender, race, age, and education, matching the true population margins for these values (non-italicized numbers). For complainants we reweight using gender, race, and age, using the disclosed demographics of past complainants (also non-italicized).

Italicized values are reweighted demographics. Given the margins matched on (listed in the previous paragraph), these values are the demographics for our weighted sample since we couldn’t accurately reweight on these values. They are included for additional context.

Additionally, for comparison, the age 16+ participation in the labor force in Philadelphia is included in parentheses next to the city reweighted employment value. Likewise, for political party, values in parentheses are 2020 presidential election results.

Table 13: The demographic composition of our survey sample (“Survey”), the demographic composition of the city of Philadelphia (“City”), and the demographic composition of individuals who filed complaints against the Philadelphia Police Department between 2015 and 2020 (“Complainants”).

	Survey	City	Complainants
Gender			
Female	66.4	53.67	53.02
Male	32.63	46.33	46.98
Other	0.97	-	-
Race			
White	48.86	34.38	23.36
Black/African American	31.02	40.83	65.45
Hispanic	9.75	14.68	8
Other/Multiple Races	5.68	2.8	0.98
Asian	4.7	7.21	2.21
Age			
18-29	30.51	25.79	27.33
30-44	36.23	26.16	39.03
45-64	25.17	30.1	30.44
65+	8.09	17.95	3.19
Education			
Less than a high school diploma	3.47	13.78	4.26
High school diploma or GED	42.42	53.2	48.14
College degree - AA, BA	38.52	22.35	36.7
Graduate degree - MA, MBA, JD, PhD	15.59	10.67	10.9
Income			
I did not earn income in 2019	10.13	13.04	8.86
\$1 to \$19,999	18.05	20.5	19.22
\$20,000 to \$39,999	23.01	24.83	24.7
\$40,000 to \$59,999	18.98	17.99	20.73
\$60,000 to \$79,999	11.14	9.55	12.2
\$80,000 to \$99,999	8.09	6.14	6.66
\$100,000 to \$149,999	7.42	5.34	5.72
\$150,000 or more	3.18	2.62	1.92
Employment			
Working - paid employment or self-employed	63.64	52.40 (62.50)	66.77
Not working - retired or disabled	14.53	24.75	11.8
Not working - temporary layoff or looking for work	9.83	10.38	10.28
Not working - full-time student	7.97	7.74	7.01
Other	4.03	4.73	4.13
Political Party			
Democratic Party	68.52	66.40 (81.4)	71.11
Neither	17.92	19.94	19.31
Republican Party	13.56	13.66 (17.9)	9.58

B. Survey Question Text

Attention Check

1. People are very busy these days, and many do not have time to follow what goes on in the government. We are testing whether people read survey questions. To show that you've read this much, please answer both "extremely interested" and "very interested."

- Extremely interested
- Very interested
- Moderately interested
- Slightly interested
- Not interested at all

Trust in Police

1. In general, how much confidence do you have in each of the following? {Options: None, Little, Some, A Lot}

- U.S. Congress
- Philadelphia courts
- Philadelphia mayor
- U.S. Military
- Philadelphia police

2. When police officers interact with people in Philadelphia, they generally:

- Treat Black people **better** than White people
- Treat Black people **the same** as White people
- Treat Black people **worse** than White people

3. How likely would you be to call the police if the following things happened? {Options: Very Unlikely, Unlikely, Likely, Very Likely}

- You were a victim of a crime
- You saw someone commit a crime
- You saw someone having a mental health crisis

Fair Penalties for Misconduct

1. What do you think a fair punishment would be if a police officer was found to have done the following things? {Options: Nothing, Counseling/Warning, Suspended without Pay, Fired, Criminal Charges.}

- **Lack of Service** (an officer does not help you when you ask for help)
- **Physical Abuse** (an officer takes physical action against you with their body, tools, or weapons when they shouldn't)
- **Verbal Abuse** (an officer yells at you, curses at you, or calls you names)

Complaint Filing Preferences

1. How likely would you be to file a complaint if the following things happened to you? {Options: Very Unlikely, Unlikely, Likely, Very Likely}

- **Lack of Service** (an officer does not help you when you ask for help)
- **Physical Abuse** (an officer takes physical action against you with their body, tools, or weapons when they shouldn't)
- **Verbal Abuse** (an officer yells at you, curses at you, or calls you names)

2. If you filed a complaint, you would be asked to answer questions about it. Would you be willing to attend an interview about your complaint {Options: through an online video chat, at the Police Advisory Commission office (1515 Arch Street, 11th Floor, Philadelphia, PA 19102), at the Philadelphia Police Department's Internal Affairs office (7790 Dungan Road, Philadelphia, PA 19111), at the police station closest to where you live, if an investigator came to you (instead of you having to travel)}

- Yes
- No

3. If you had to attend an in-person interview, would you be willing to go {Options: alone, if you were accompanied by a friend or family member, if you were accompanied by a civilian member of the police department, if you were accompanied by a non-police city employee}

- Yes
- No

4. How likely would you be to file a complaint if you knew that the investigation and penalty process might take {Options: less than 6 months, 6 to 12 months, more than 1 year}

- Very Unlikely
- Unlikely
- It would not affect how likely I would be to file a complaint
- Likely
- Very Likely

Intent to File

1. Do you intend to file a complaint against a Philadelphia police officer in the near future?

- Yes; I've had an experience with police that I could file a complaint about, and I want to
- No; I've had an experience with police that I could file a complaint about, but I don't want to
- No; I haven't had an experience with police that I could file a complaint about

If respondents selected either one of the two response options indicating that they had experienced a complaint-worthy incident ("Yes; I've had an experience with police that I could file a complaint about, and I want to" or "No; I've had an experience with police that I could file a

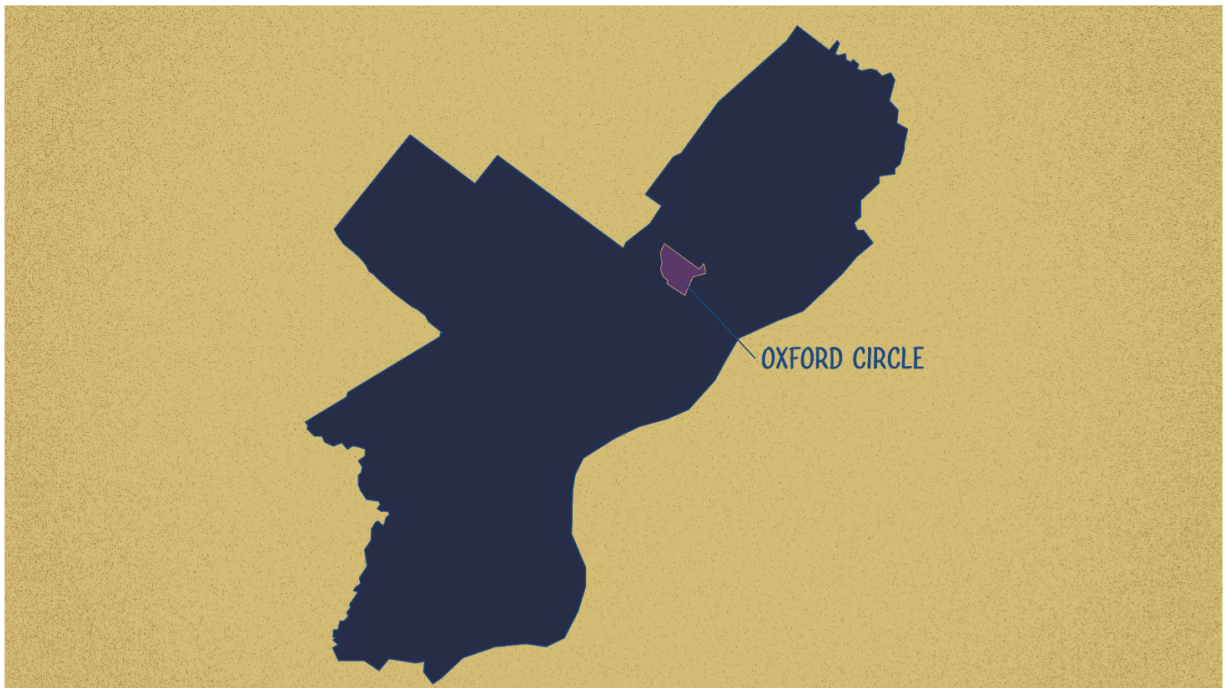
complaint about, but I don't want to”), they were also asked an optional open-ended follow up question:

2. Would you like to tell us more about this experience?

C. Narrative Transparency Intervention Example

An example of one of the 75 narrative interventions reads as follows:

Oxford Circle Man Says His Parked Car Was Hit by Another Car, Responding PPD Officer Did Not Accurately Document the Accident



Complaint:

This complaint is about an incident that happened in **Oxford Circle** in April 2017.

According to the civilian who filed the complaint, his parked, unattended car was hit by another car and the responding officer did not accurately document what happened or interview his neighbor who witnessed the accident.

The civilian is a(n) Latino man.

The officer is a(n) White man.



The civilian filed a complaint against the officer for **Lack of Service**. Lack of service includes not responding to a call, not taking proper action on a call, and not completing a report.

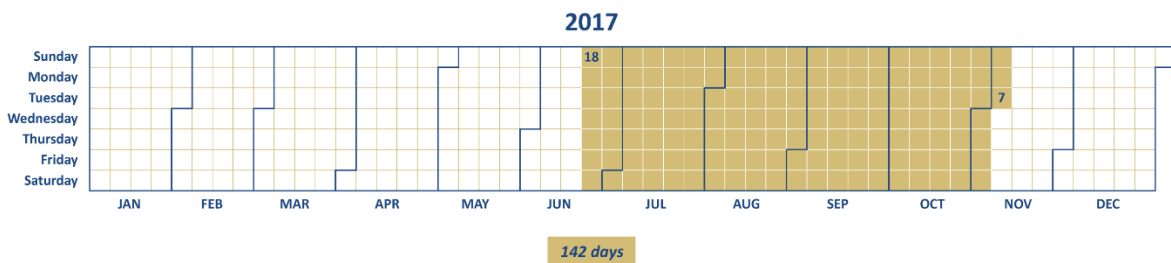
Investigation:

A police investigator contacted the civilian, 3 witnesses, and 1 officer. They were only able to interview the civilian, 1 witness, and 1 officer. The investigator also reviewed **police records and a tow slip** for evidence.

The civilian said that on the day in question, he was inside his home when he heard a loud crashing noise. He walked outside and saw 4 damaged cars, and the car that hit them was also badly damaged. He called 911 and waited for the police to arrive. He did not witness the accident, but his neighbor did. However, the responding officer did not write what his neighbor saw on the accident report. The civilian said that his neighbor does not understand English well, and he thought his neighbor did not understand the officer's questions, but said his neighbor told him that the driver involved in the accident hit 2 cars and then reversed her car and hit 2 more cars. The investigator interviewed the civilian's neighbor and he agreed with the information, saying that he saw the driver in the accident hit 2 cars, then reverse and hit 2 more

cars; that he did not tell the accused officer what he saw because he does not speak English well; but that he gave the officer his information when asked for it and the officer wrote it in his report. The accused officer said that when he responded to the scene of the accident, he saw a large group of people standing on the sidewalk and about 4 or 5 damaged cars. He approached the people at the scene to find out if anyone saw what had happened, but everyone said that they just heard a loud noise. No one said they saw the crash. He said that after he gathered the information needed for his report, he gave everyone whose car was involved in the accident a report number so they could contact their insurance company. After he made sure everyone seemed satisfied, he left.

This investigation was supposed to finish in 75 days. It took **142 days**. This was because of scheduling conflicts and the civilian being unavailable.



Results:

Based on the investigation, Internal Affairs found the officer **not to be at fault** because the accused officer talked to all parties involved and wrote what he was told. The neighbor identified by the civilian as a witness to the accident did not tell the officer that he saw the accident when the officer was present and writing the report.

The civilian got a letter summarizing the results.

D. Statistics Transparency Intervention Example

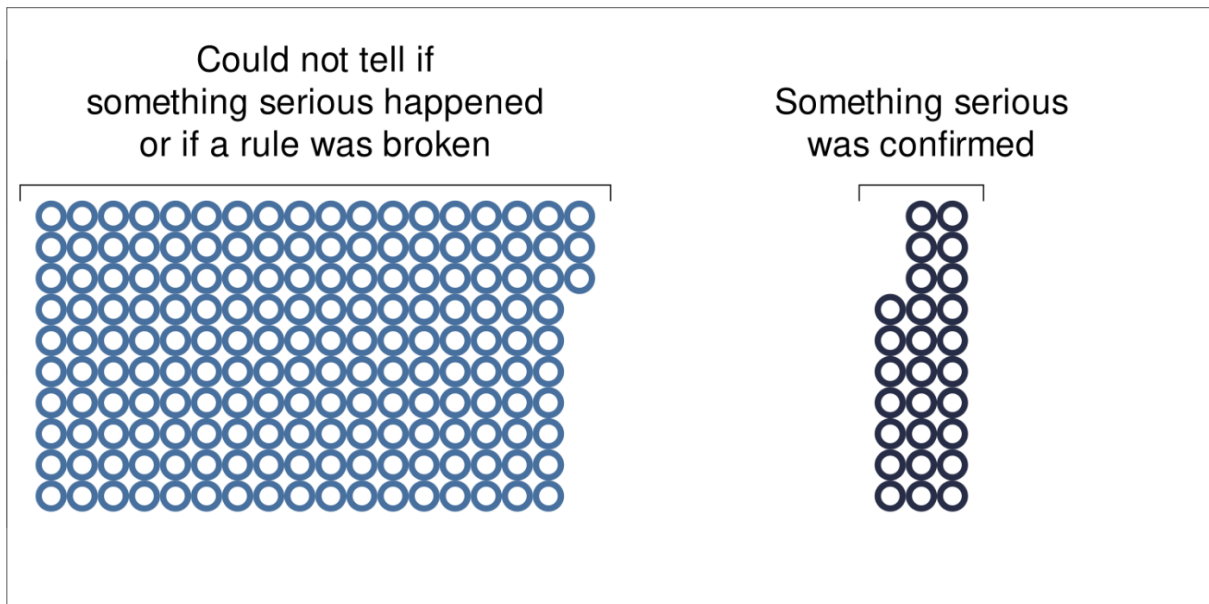
The statistics transparency intervention reads as follows:

Philadelphians accused police officers of about **5** instances of bad behavior each day between 2015 and 2020.

About **18%** were accusations of Lack of Service. About **12%** were accusations of Physical Abuse. About **11%** were accusations of Verbal Abuse.

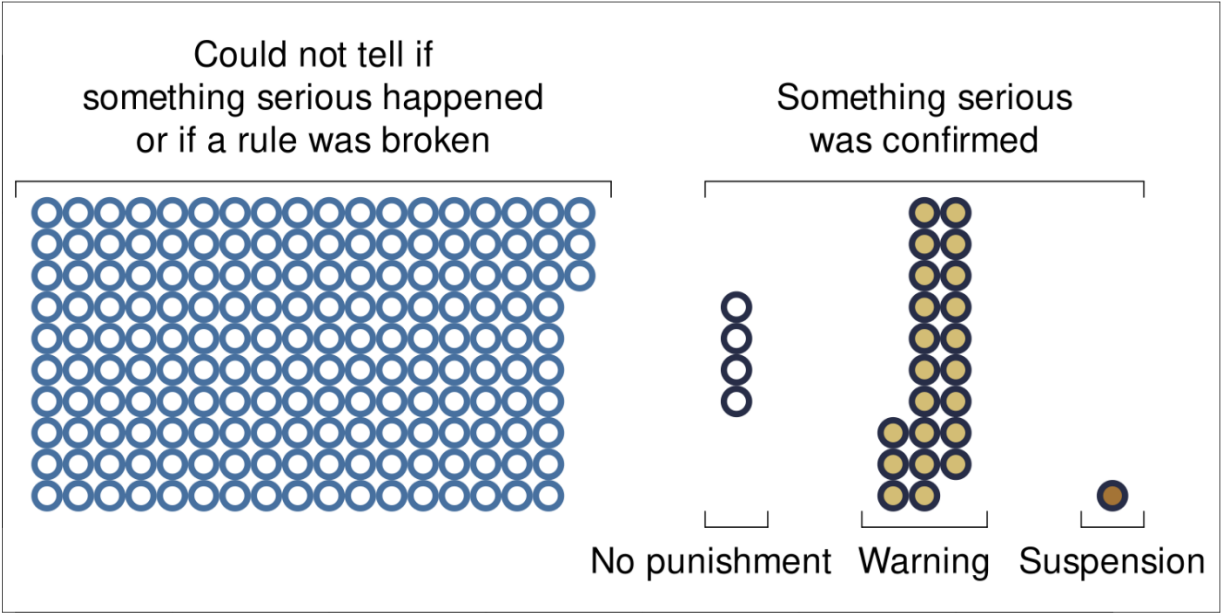
For about **173 out of every 200** accusations, investigators could not tell if something serious had happened.

That means, for about **27 out of every 200** accusations, they found that something serious had happened.

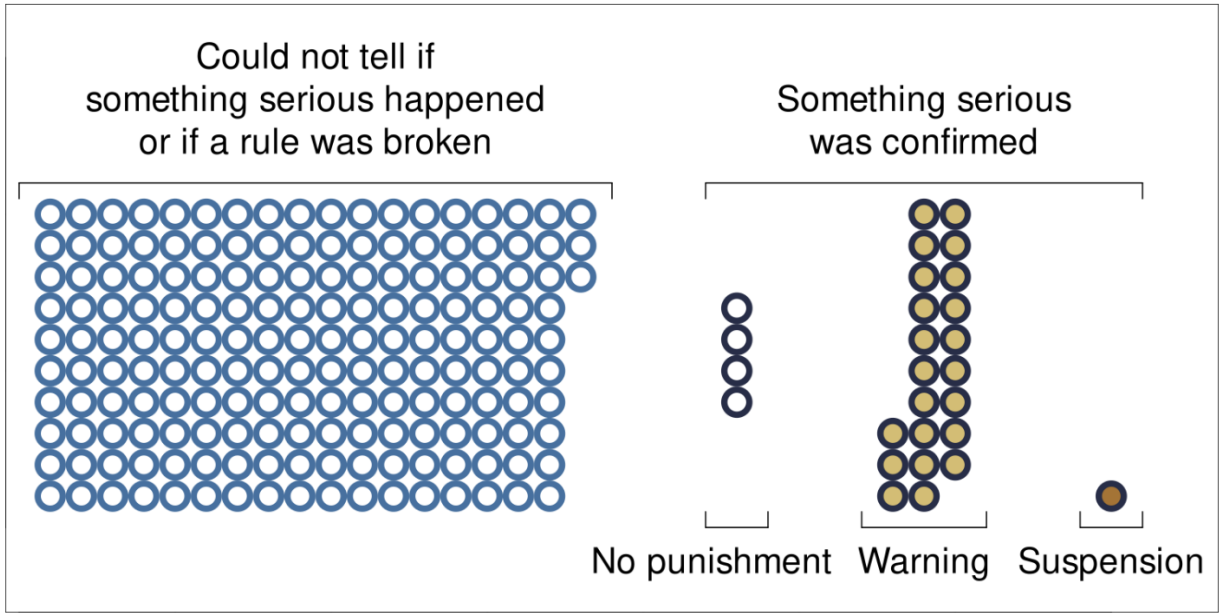


For **4 out of these 27** accusations where they found something serious happened, there is no record of any punishment for the officer.

For another **21 out of these 27** accusations, officers were given a warning.

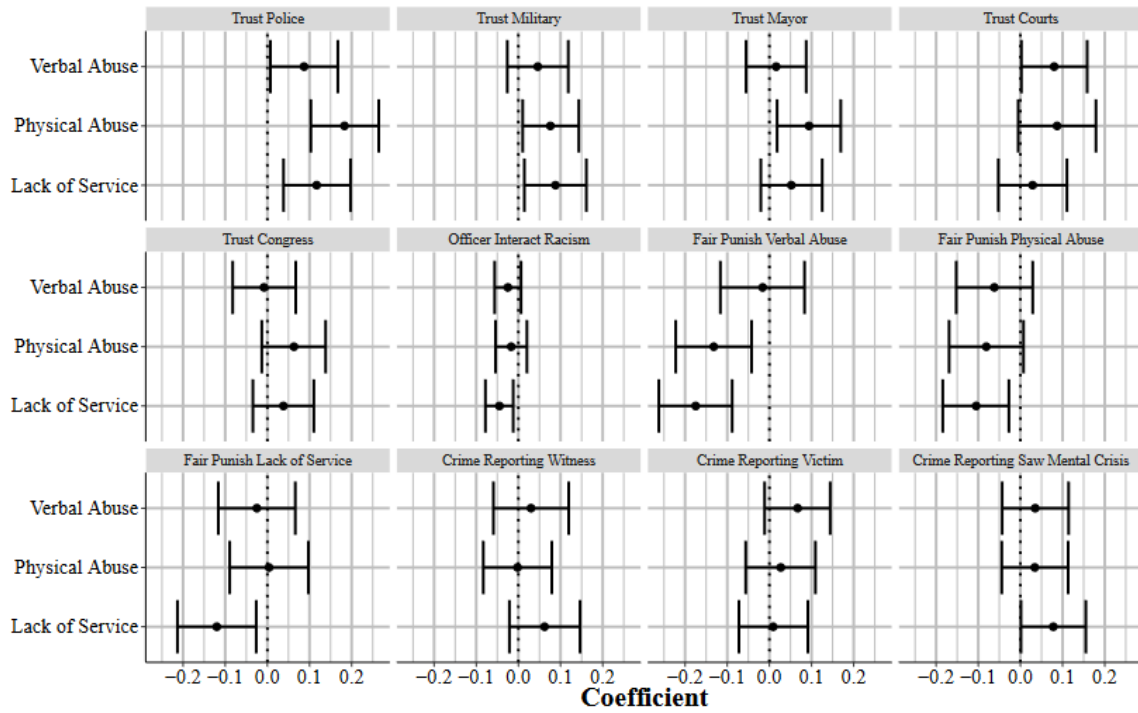


This means that at the end of the day, officers are suspended in **1 out of every 200** accusations.



E. Intervention Effect, Narrative Relative to Statistics

Figure 2: Effect of the narrative transparency treatment, relative to the effect of the statistics transparency treatment, dividing by the type of narrative provided to the respondent. Each dot represents the coefficient while the vertical bars to each side of the dot are the 95% confidence intervals. Results are statistically significantly different from the statistics treatment when both sides of the confidence interval is either to the left or to the right of the dotted vertical line indicating zero effect, and does not cross the dotted line.



F. Tables with Results Reweighted to City Demographics

Table 14: Weighted to Reflect City: Responses to questions about trust in various organizations, whether they perceive police to treat Black people worse than White people, and their likelihood of reporting incidents to the police. Trust responses are coded on a 1-4 scale, where 1 indicates lowest trust and 4 indicates highest trust. Officer Racism responses are coded on a 0-1 scale, where 0 indicates police officers treating Black people better or equal to White people, and 1 indicates police officers treating Black people worse than White people. Reporting responses are coded on a 1-4 scale, where 1 indicates lowest likelihood of calling the police, and 4 indicates highest likelihood of calling the police.

Variable	Mean
Trust Congress	2.264
Trust Courts	2.384
Trust Mayor	2.238
Trust Military	3.066
Trust Police	2.501
Officer Racism	0.644
Crime Reporting, Victim	3.214
Crime Reporting, Witness	2.964
Crime Reporting, Saw Mental Crisis	2.815

Table 15: Weighted to Reflect City: Responses to question about what is the fair penalty for police misconduct. Fair punishment responses are coded on a 1-5 scale, where 1 indicates the lightest penalty and 5 indicates the most severe penalty.

Variable	Mean
Verbal Abuse	2.534
Physical Abuse	4.249
Lack of Service	3.230

Table 16: Weighted to Reflect City: Responses to questions about trust in various organizations and whether they perceive police to treat Black people worse than White people. Trust responses are coded on a 1-4 scale, where 1 indicates lowest trust and 4 indicates highest trust. Officer Racism responses are coded on a 0-1 scale, where 0 indicates police officers treating Black people better or equal to White people, and 1 indicates police officers treating Black people worse than White people.

Variable	Pre-Mean	Post-Mean	Difference	P-Value
Trust Congress	2.283	2.177	-0.106**	0.005
Trust Courts	2.388	2.253	-0.135**	0.005
Trust Mayor	2.299	2.225	-0.074*	0.019
Trust Military	3.012	2.981	-0.032	0.346
Trust Police	2.418	2.302	-0.116**	0.003
Officer Racism	0.652	0.653	0.001	0.867

Table 17: Weighted to Reflect City: Responses to questions about their likelihood of reporting incidents to the police. Reporting responses are coded on a 1-4 scale, where 1 indicates lowest likelihood of calling the police, and 4 indicates highest likelihood of calling the police.

Variable	Pre-Mean	Post-Mean	Difference	P-Value
Crime Reporting, Victim	3.262	3.155	-0.107**	0.002
Crime Reporting, Witness	2.998	2.956	-0.042	0.215
Crime Reporting, Saw Mental Crisis	2.779	2.755	-0.024	0.463

Figure 3: Weighted to Reflect City: Effect of statistics transparency treatment, relative to the effect of the narrative transparency treatment. Each dot represents the coefficient while the vertical bars to each side of the dot are the 95% confidence intervals. Results are statistically significantly different from the statistics treatment when both sides of the confidence interval is either to the left or to the right of the dotted vertical line indicating zero effect, and does not cross the dotted line.

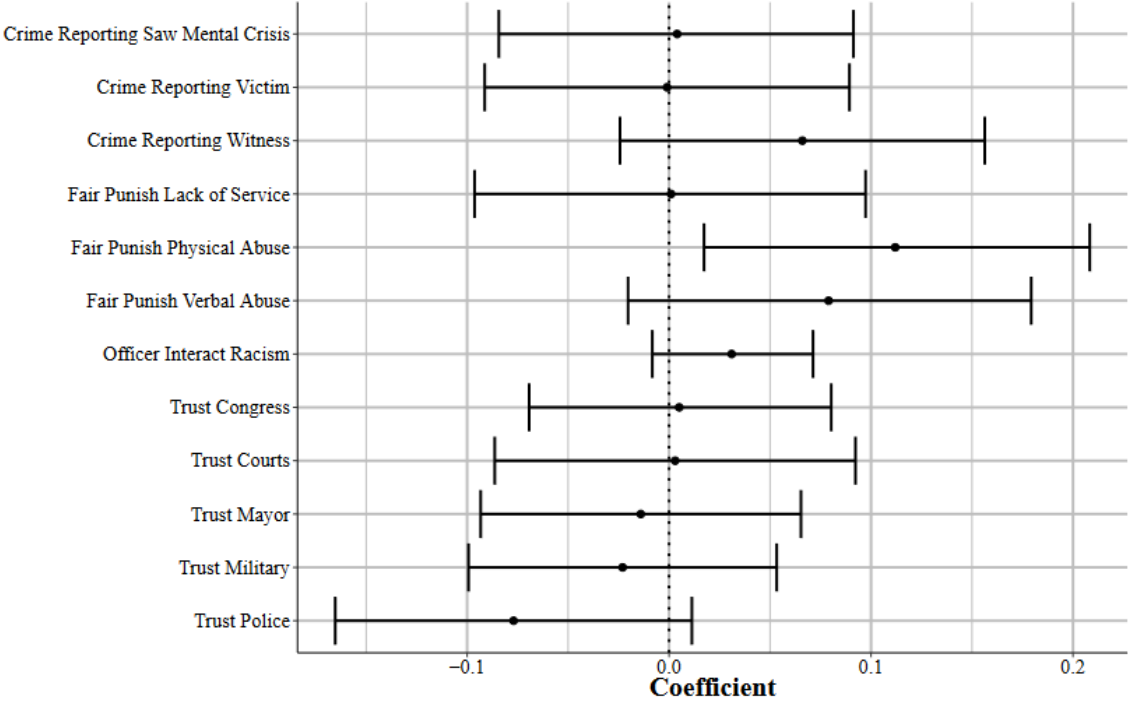


Figure 4: **Weighted to Reflect City: Effect of the narrative transparency treatment, relative to the effect of the statistics transparency treatment, dividing by the type of narrative provided to the respondent.** Each dot represents the coefficient while the vertical bars to each side of the dot are the 95% confidence intervals. Results are statistically significantly different from the statistics treatment when both sides of the confidence interval is either to the left or to the right of the dotted vertical line indicating zero effect, and does not cross the dotted line.

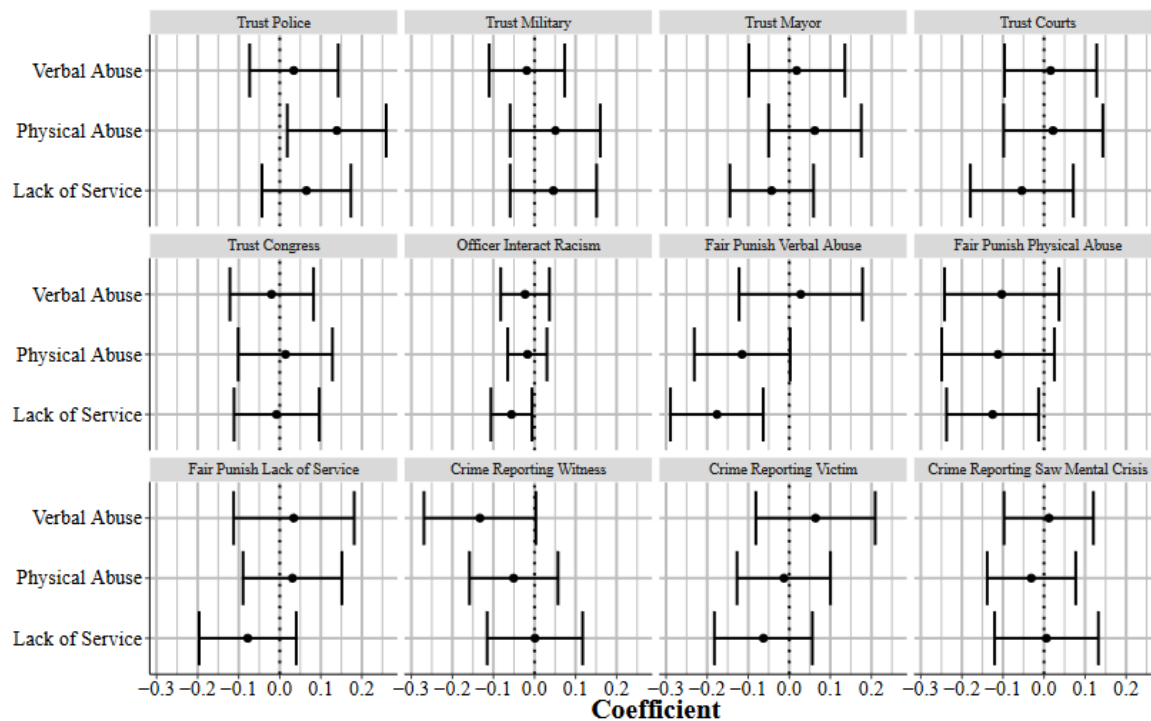


Table 18: **Weighted to Reflect City: Responses to question about what is the fair penalty for police misconduct.** Fair punishment responses are coded on a 1-5 scale, where 1 indicates the lightest penalty and 5 indicates the most severe penalty.

Variable	Pre-Mean	Post-Mean	Difference	P-Value
Fair Punish Verbal Abuse	2.669	2.797	0.128*	0.041
Fair Punish Physical Abuse	4.541	4.560	0.019	0.576
Fair Punish Lack of Service	3.067	3.012	-0.055	0.253

Table 19: Weighted to Reflect City: The number and percent of respondents who wanted to read more about the case, thought the officer committed wrong doing, and thought the case was investigated fairly, respectively, for the three different case types: lack of service, physical abuse, and verbal abuse. For “want to read more” the only choices were “Yes” or “No”; for the other categories respondents could also choose “I Don’t Know.”

Variable	Case Type	Yes	No	I Don’t Know
Want to Read More	Lack of Service	169 (72.22%)	65 (27.78%)	-
	Physical Abuse	185 (73.71%)	66 (26.29%)	-
	Verbal Abuse	218 (74.15%)	76 (25.85%)	-
Officer Wrongdoing	Lack of Service	132 (56.17%)	46 (19.57%)	57 (24.26%)
	Physical Abuse	119 (47.41%)	55 (21.91%)	77 (30.68%)
	Verbal Abuse	149 (50.68%)	59 (20.07%)	86 (29.25%)
Investigated Fairly	Lack of Service	75 (32.05%)	114 (48.72%)	45 (19.23%)
	Physical Abuse	99 (39.29%)	101 (40.08%)	52 (20.63%)
	Verbal Abuse	87 (29.59%)	123 (41.84%)	84 (28.57%)

Table 20: Weighted to Reflect City: The number and percent of respondents who wanted to know about complaint types, reasons why investigators might not be able to tell if the complaint was serious, and warning types.

Want to Know More About...	Yes	No
Complaint Types	500 (67.75%)	238 (32.25%)
Not Tell if Serious	463 (62.74%)	275 (37.26%)
Warning Types	480 (65.13%)	257 (34.87%)

Table 21: **Weighted to Reflect City: The likelihood that a respondent would file a complaint by the three complaint categories: physical abuse, verbal abuse, and lack of service. Results are coded on a 1-4 scale, where 1 indicates lowest likelihood of filing a complaint, and 4 indicates highest likelihood of filing a complaint.** Results also show whether physical abuse is statistically significantly different than either verbal abuse or lack of service. * $p < .05$, ** $p < .01$.

Variable	Mean	P-Value
Physical Abuse	3.606	-
Verbal Abuse	2.802**	0.000
Lack Service	3.032**	0.000

Table 22: **Weighted to Reflect City: The likelihood that a respondent would file a complaint by the three complaint categories: physical abuse, verbal abuse, and lack of service and among three different treatment groups.** People assigned to the PAC group were shown real instructions for how to file a complaint with the Police Advisory Commission; people in the IAD group were shown real instructions for how to file a complaint with Philadelphia’s Internal Affairs office; people in the “None” group were not shown any instructions for how to file a complaint. Results are coded on a 1-4 scale, where 1 indicates lowest likelihood of filing a complaint, and 4 indicates highest likelihood of filing a complaint. Results also show, for each complaint type, whether being assigned in the PAC group or the IAD group leads to a statistically significantly difference than being assigned to no groups. * $p < .05$, ** $p < .01$.

Variable	Condition	Mean	Difference	P-Value
Verbal Abuse	None	2.811	-	-
	PAC	2.709	-0.103	0.237
	IAD	2.804	-0.007	0.931
Physical Abuse	None	3.631	-	-
	PAC	3.548	-0.083	0.190
	IAD	3.580	-0.051	0.390
Lack Service	None	3.095	-	-
	PAC	3.104	0.009	0.915
	IAD	3.115	0.020	0.792

Table 23: Weighted to Reflect City: Willingness to attend an interview, with randomization for interview place, who would accompany the complainant, and the time it takes for the investigation to occur. Interview place and “with who” are binary variables with 0 = “no” and 1 = “yes”; interview time is a five-point Likert scale from 1 = “very unlikely” and 5 = “very likely.” Reference categories are the ones that most closely reflect actual policies. * \$ p ; \$.05, ** \$ p ; \$.01.

Variable	Condition	Mean	Difference	P-Value
Interview Place	Internal Affairs Office	0.834	-	-
	At Home	0.893	0.059*	0.048
	Nearby Police Station	0.896	0.062*	0.043
	Online	0.809	-0.025	0.473
	Pac Office	0.770	-0.064	0.085
Interview With Who	Alone	0.572	-	-
	Police Civilian Employee	0.787	0.215**	0.000
	Non-Police Employee	0.855	0.282**	0.000
	Civilian Employee	0.829	0.257**	0.000
	Friend Or Family	0.882	0.309**	0.000
Interview Time	6-12 Months	3.206	-	-
	Less Than 6 Months	3.319	0.113	0.132
	Over 1 Year	2.977	-0.229**	0.003

Table 24: Weighted to Reflect City: Responses to question about whether they actually intended to file a complaint against a Philadelphia police officer in the near future. Results are shown combining all respondents, dividing respondents by self-reported race, and dividing respondents by self-reported educational attainment.

Response	Respondents
No, have not had an experience	1974 (83.64%)
No, but have had an experience	284 (12.03%)
Yes	102 (4.32%)

(a) All Respondents

Intend to File a Complaint	Asian	Black/African American	Hispanic	Other/Multiple Races	White
No, have not had an experience	151 (88.82%)	783 (81.22%)	272 (78.39%)	51 (77.27%)	717 (88.08%)
No, but have had an experience	12 (7.06%)	135 (14.00%)	53 (15.27%)	14 (21.21%)	70 (8.60%)
Yes	7 (4.12%)	46 (4.77%)	22 (6.34%)	1 (1.52%)	27 (3.32%)

(b) Respondents Broken Down by Race

Intend to File a Complaint	Less than a high school diploma	High school diploma or GED	College degree	Graduate degree
No, have not had an experience	254 (78.15%)	1059 (84.32%)	445 (84.28%)	216 (85.71%)
No, but have had an experience	56 (17.23%)	151 (12.02%)	55 (10.42%)	22 (8.73%)
Yes	15 (4.62%)	46 (3.66%)	28 (5.30%)	14 (5.56%)

(c) Respondents Broken Down by Education

Table 25: Weighted to Reflect City: Responses to question about whether they actually intended to file a complaint against a Philadelphia police officer in the near future, dividing responses by the explanation they provided about the incident.

Intend to File a Complaint	Respondents with Complaint-Worthy Experiences	Coherent, Explained	Coherent, Did Not Explain	Ambiguous	Gibberish	No Response
No, but have had an experience	284 (73.58%)	69 (17.88%)	131 (33.94%)	26 (6.74%)	21 (5.44%)	36 (9.33%)
Yes	102 (26.42%)	32 (8.29%)	29 (7.51%)	14 (3.63%)	20 (5.18%)	8 (2.07%)
Totals	386 (100.00%)	101 (26.17%)	160 (41.45%)	40 (10.36%)	41 (10.62%)	44 (11.40%)

G. Tables with Results Reweighted to Complainant Demographics

Table 26: Weighted to Reflect Complainants: Responses to questions about trust in various organizations, whether they perceive police to treat Black people worse than White people, and their likelihood of reporting incidents to the police. Trust responses are coded on a 1-4 scale, where 1 indicates lowest trust and 4 indicates highest trust. Officer Racism responses are coded on a 0-1 scale, where 0 indicates police officers treating Black people better or equal to White people, and 1 indicates police officers treating Black people worse than White people. Reporting responses are coded on a 1-4 scale, where 1 indicates lowest likelihood of calling the police, and 4 indicates highest likelihood of calling the police.

Variable	Mean
Trust Congress	2.217
Trust Courts	2.296
Trust Mayor	2.273
Trust Military	2.957
Trust Police	2.349
Officer Racism	0.725
Crime Reporting, Victim	3.106
Crime Reporting, Witness	2.828
Crime Reporting, Saw Mental Crisis	2.722

Table 27: Weighted to Reflect Complainants: Responses to question about what is the fair penalty for police misconduct. Fair punishment responses are coded on a 1-5 scale, where 1 indicates the lightest penalty and 5 indicates the most severe penalty.

Variable	Mean
Verbal Abuse	2.594
Physical Abuse	4.378
Lack of Service	3.299

Table 28: Weighted to Reflect Complainants: Responses to questions about trust in various organizations and whether they perceive police to treat Black people worse than White people. Trust responses are coded on a 1-4 scale, where 1 indicates lowest trust and 4 indicates highest trust. Officer Racism responses are coded on a 0-1 scale, where 0 indicates police officers treating Black people better or equal to White people, and 1 indicates police officers treating Black people worse than White people.

Variable	Pre-Mean	Post-Mean	Difference	P-Value
Trust Congress	2.259	2.174	-0.084*	0.039
Trust Courts	2.275	2.179	-0.096*	0.02
Trust Mayor	2.238	2.190	-0.048	0.176
Trust Military	2.936	2.903	-0.033	0.382
Trust Police	2.301	2.174	-0.127**	0.002
Officer Racism	0.739	0.746	0.006	0.536

Table 29: Weighted to Reflect Complainants: Responses to questions about their likelihood of reporting incidents to the police. Reporting responses are coded on a 1-4 scale, where 1 indicates lowest likelihood of calling the police, and 4 indicates highest likelihood of calling the police.

Variable	Pre-Mean	Post-Mean	Difference	P-Value
Crime Reporting, Victim	3.138	3.059	-0.079*	0.013
Crime Reporting, Witness	2.862	2.827	-0.035	0.333
Crime Reporting, Saw Mental Crisis	2.672	2.671	-0.001	0.971

Figure 5: Weighted to Reflect Complainants: Effect of statistics transparency treatment, relative to the effect of the narrative transparency treatment. Each dot represents the coefficient while the vertical bars to each side of the dot are the 95% confidence intervals. Results are statistically significantly different from the statistics treatment when both sides of the confidence interval is either to the left or to the right of the dotted vertical line indicating zero effect, and does not cross the dotted line.

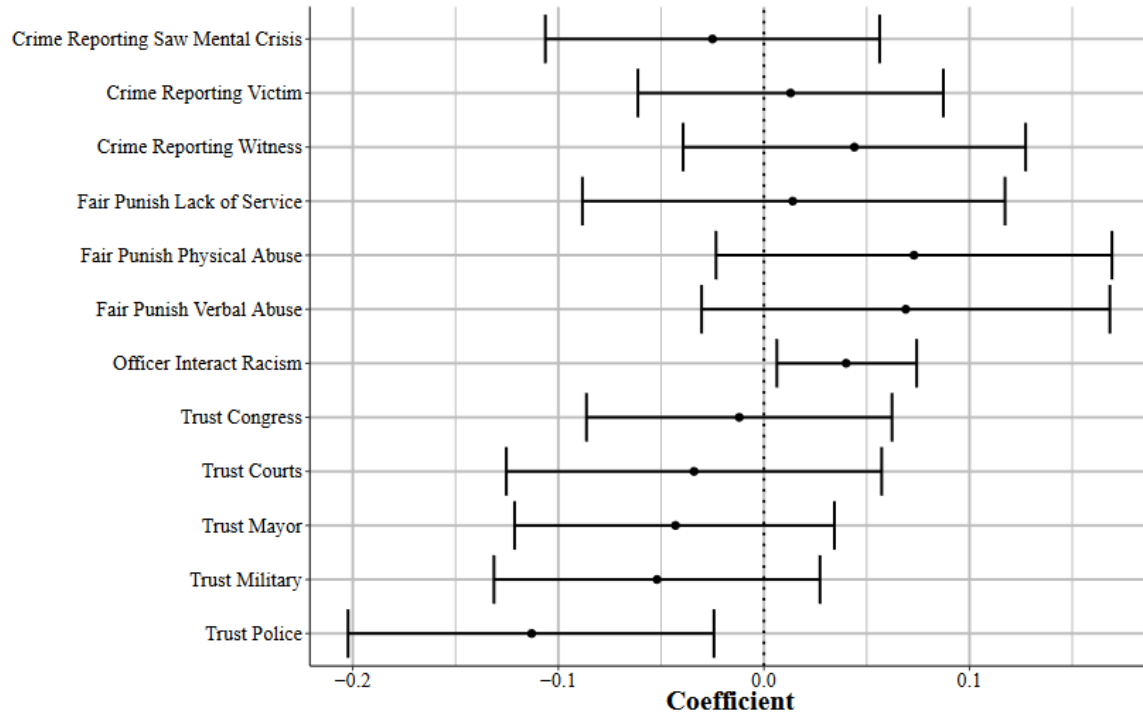


Figure 6: **Weighted to Reflect Complainants: Effect of the narrative transparency treatment, relative to the effect of the statistics transparency treatment, dividing by the type of narrative provided to the respondent.** Each dot represents the coefficient while the vertical bars to each side of the dot are the 95% confidence intervals. Results are statistically significantly different from the statistics treatment when both sides of the confidence interval is either to the left or to the right of the dotted vertical line indicating zero effect, and does not cross the dotted line.

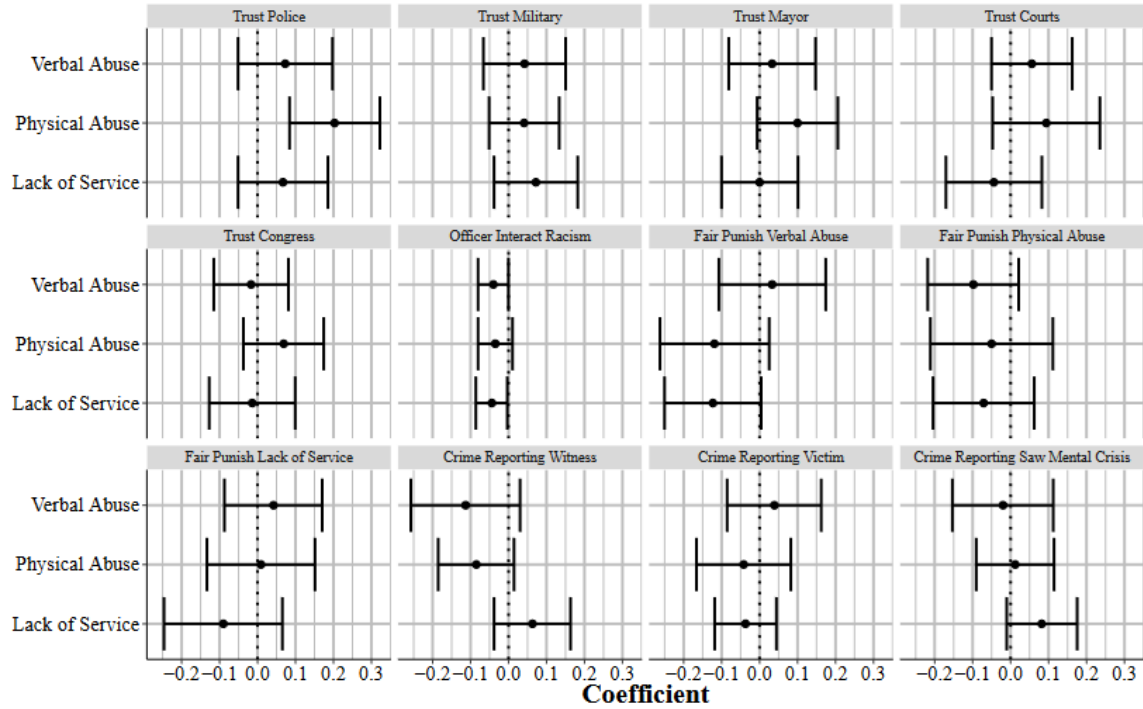


Table 30: **Weighted to Reflect Complainants: Responses to question about what is the fair penalty for police misconduct.** Fair punishment responses are coded on a 1-5 scale, where 1 indicates the lightest penalty and 5 indicates the most severe penalty.

Variable	Pre-Mean	Post-Mean	Difference	P-Value
Fair Punish Verbal Abuse	2.694	2.801	0.107*	0.032
Fair Punish Physical Abuse	4.578	4.617	0.039	0.36
Fair Punish Lack of Service	3.089	3.080	-0.009	0.863

Table 31: Weighted to Reflect Complainants: The number and percent of respondents who wanted to read more about the case, thought the officer committed wrong doing, and thought the case was investigated fairly, respectively, for the three different case types: lack of service, physical abuse, and verbal abuse. For “want to read more” the only choices were “Yes” or “No”; for the other categories respondents could also choose “I Don’t Know.”

Variable	Case Type	Yes	No	I Don’t Know
Want to Read More	Lack of Service	189 (74.12%)	66 (25.88%)	-
	Physical Abuse	175 (72.61%)	66 (27.39%)	-
	Verbal Abuse	175 (70.00%)	75 (30.00%)	-
Officer Wrongdoing	Lack of Service	156 (61.18%)	47 (18.43%)	52 (20.39%)
	Physical Abuse	127 (52.70%)	50 (20.75%)	64 (26.56%)
	Verbal Abuse	148 (59.44%)	41 (16.47%)	60 (24.10%)
Investigated Fairly	Lack of Service	78 (30.59%)	135 (52.94%)	42 (16.47%)
	Physical Abuse	84 (34.85%)	110 (45.64%)	47 (19.50%)
	Verbal Abuse	72 (28.80%)	114 (45.60%)	64 (25.60%)

Table 32: Weighted to Reflect Complainants: The number and percent of respondents who wanted to know about complaint types, reasons why investigators might not be able to tell if the complaint was serious, and warning types.

Want to Know More About...	Yes	No
Complaint Types	558 (72.28%)	214 (27.72%)
Not Tell if Serious	484 (62.69%)	288 (37.31%)
Warning Types	508 (65.89%)	263 (34.11%)

Table 33: Weighted to Reflect Complainants: The likelihood that a respondent would file a complaint by the three complaint categories: physical abuse, verbal abuse, and lack of service. Results are coded on a 1-4 scale, where 1 indicates lowest likelihood of filing a complaint, and 4 indicates highest likelihood of filing a complaint. Results also show whether physical abuse is statistically significantly different than either verbal abuse or lack of service. * $p < .05$, ** $p < .01$.

Variable	Mean	P-Value
Physical Abuse	3.589	-
Verbal Abuse	2.809**	0.000
Lack Service	3.016**	0.000

Table 34: Weighted to Reflect Complainants: The likelihood that a respondent would file a complaint by the three complaint categories: physical abuse, verbal abuse, and lack of service and among three different treatment groups. People assigned to the PAC group were shown real instructions for how to file a complaint with the Police Advisory Commission; people in the IAD group were shown real instructions for how to file a complaint with Philadelphia’s Internal Affairs office; people in the “None” group were not shown any instructions for how to file a complaint. Results are coded on a 1-4 scale, where 1 indicates lowest likelihood of filing a complaint, and 4 indicates highest likelihood of filing a complaint. Results also show, for each complaint type, whether being assigned in the PAC group or the IAD group leads to a statistically significantly difference than being assigned to no groups. * $p < .05$, ** $p < .01$.

Variable	Condition	Mean	Difference	P-Value
Verbal Abuse	None	2.802	-	-
	PAC	2.706	-0.096	0.241
	IAD	2.851	0.049	0.534
Physical Abuse	None	3.625	-	-
	PAC	3.568	-0.057	0.380
	IAD	3.553	-0.071	0.309
Lack Service	None	3.066	-	-
	PAC	3.108	0.042	0.599
	IAD	3.110	0.044	0.578

Table 35: Weighted to Reflect Complainants: Willingness to attend an interview, with randomization for interview place, who would accompany the complainant, and the time it takes for the investigation to occur. Interview place and “with who” are binary variables with 0 = “no” and 1 = “yes”; interview time is a five-point Likert scale from 1 = “very unlikely” and 5 = “very likely.” Reference categories are the ones that most closely reflect actual policies. * \$ p \le .05, ** \$ p \le .01.

Variable	Condition	Mean	Difference	P-Value
Interview Place	Internal Affairs Office	0.836	-	-
	At Home	0.879	0.043	0.154
	Nearby Police Station	0.875	0.039	0.215
	Online	0.831	-0.005	0.874
	Pac Office	0.793	-0.043	0.197
Interview With Who	Alone	0.564	-	-
	Police Civilian Employee	0.789	0.225**	0.000
	Non-Police Employee	0.882	0.317**	0.000
	Civilian Employee	0.822	0.257**	0.000
	Friend Or Family	0.877	0.313**	0.000
Interview Time	6-12 Months	3.140	-	-
	Less Than 6 Months	3.385	0.246**	0.001
	Over 1 Year	3.103	-0.037	0.635

Table 36: Weighted to Reflect Complainants: Responses to question about whether they actually intended to file a complaint against a Philadelphia police officer in the near future. Results are shown combining all respondents, dividing respondents by self-reported race, and dividing respondents by self-reported educational attainment.

Response	Respondents
No, have not had an experience	1895 (80.30%)
No, but have had an experience	325 (13.77%)
Yes	140 (5.93%)

(a) All Respondents

Intend to File a Complaint	Asian	Black/African American	Hispanic	Other/Multiple Races	White
No, have not had an experience	46 (88.46%)	1216 (78.71%)	152 (80.42%)	19 (79.17%)	462 (83.85%)
No, but have had an experience	3 (5.77%)	232 (15.02%)	28 (14.81%)	4 (16.67%)	58 (10.53%)
Yes	3 (5.77%)	97 (6.28%)	9 (4.76%)	1 (4.17%)	31 (5.63%)

(b) Respondents Broken Down by Race

Intend to File a Complaint	Less than a high school diploma	High school diploma or GED	College degree	Graduate degree
No, have not had an experience	75 (74.26%)	914 (80.46%)	694 (80.14%)	212 (82.49%)
No, but have had an experience	21 (20.79%)	164 (14.44%)	114 (13.16%)	26 (10.12%)
Yes	5 (4.95%)	58 (5.11%)	58 (6.70%)	19 (7.39%)

(c) Respondents Broken Down by Education

Table 37: Weighted to Reflect Complainants: Responses to question about whether they actually intended to file a complaint against a Philadelphia police officer in the near future, dividing responses by the explanation they provided about the incident.

Intend to File a Complaint	Respondents with Complaint-Worthy Experiences	Coherent, Explained	Coherent, Did Not Explain	Ambiguous	Gibberish	No Response
No, but have had an experience	325 (69.89%)	74 (15.91%)	153 (32.90%)	29 (6.24%)	22 (4.73%)	46 (9.89%)
Yes	140 (30.11%)	36 (7.74%)	51 (10.97%)	14 (3.01%)	29 (6.24%)	11 (2.37%)
Totals	465 (100.00%)	110 (23.66%)	204 (43.87%)	43 (9.25%)	51 (10.97%)	57 (12.26%)

City of Philadelphia



(Bill No. 210074)

AN ORDINANCE

Repealing Chapter 21-1200 of The Philadelphia Code, entitled “Police Advisory Board,” and replacing it with a new Chapter 21-1200 that reconstitutes and renames the board as the “Citizens Police Oversight Commission,” and, as authorized by the Charter, provides for the Commission’s appointment, the powers and duties of the Commission and the manner in which the Commission and other officers, employees, and agencies shall fulfill their respective responsibilities with respect to the Commission, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 21-1200 of The Philadelphia Code, entitled “Police Advisory Board,” is repealed in its entirety and a new Chapter 21-1200 is added as follows:

CHAPTER 21-1200. CITIZENS POLICE OVERSIGHT COMMISSION.

§ 21-1201.

(1) *Pursuant to Sections 3-813 and 4-2301 of the Home Rule Charter, this Chapter provides for the composition and powers of the Citizens Police Oversight Commission (“Commission”), as created pursuant to Section 3-100 of the Charter.*

(2) *The Commission is an oversight agency designed to ensure the just, transparent, and efficient administration of criminal justice in Philadelphia through fair and timely investigation into and oversight of conduct, policies, and practices of the Police Department and its officers. The Commission shall have the powers and duties set forth below with the primary purpose of prevention and reduction of crime by increasing transparency and accountability of Police Department functions; improving police conduct; enhancing the quality of internal investigations; and increasing communication and engagement between the community and the Police Department regarding the apprehension, prosecution, and rehabilitation of accused persons or criminal offenders. As a criminal justice agency under 18 Pa.C.S. § 9102, the Commission’s powers and duties shall be an integral aspect of the administration of criminal justice in the City, acting in support of all criminal justice agencies thereof.*

§ 21-1202. Definitions.

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In this Chapter, the following definitions apply:

(1) *Complaint.* A complaint of misconduct made by any person against any officers(s) of the Philadelphia Police Department, regardless of whether the misconduct occurred on or off duty, and not otherwise limited by any requirement of residency.

(2) *Internal Affairs Division.* The units and employees encompassed by the Office of Professional Responsibility within the Philadelphia Police Department responsible for investigating misconduct by employees of the Philadelphia Police Department.

(3) *Leadership position.* This term refers to Department-identified leadership positions, as well as positions of authority within specific or specialized Department units, such as Districts, Narcotics Bureau, Internal Affairs, and Patrol Operations, and includes, but is not limited to, the ranks of Captain, Staff Inspector, Inspector, Chief Inspector, Deputy Police Commissioner, First Deputy Police Commissioner, and Police Commissioner.

(4) *Officer.* Refers to a sworn member of the Philadelphia Police Department.

§ 21-1203. *Appointments to Citizens Police Oversight Commission.*

(1) *Composition.* The Commission shall consist of nine members selected by a Selection Panel, subject to Council confirmation.

(2) *Qualifications.* Members of the Commission shall meet the following requirements.

(a) *Members must be residents of the City.*

(b) *Members shall demonstrate independence, commitment to enhancing the integrity and performance of law enforcement officers, commitment to the improvement of law enforcement, the criminal justice system and public safety, and commitment to the well-being of the citizens of Philadelphia.*

(c) *Members must reflect the diversity of the population and geography of the City. No two nominees shall reside in the same section of the City, as determined by police district.*

(d) *Commission members may not be a current or former sworn employee of the Department; a current or former member of a union that represents a municipal or state police department; or a current officer of a political party.*

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(3) *Terms of Service.* Except for initial appointments, all members shall serve for four years. Four members shall be appointed initially for two-year terms and five members shall be appointed initially for four-year terms. All initial terms shall begin on the date the first member is confirmed for service. No member shall serve for more than two consecutive four-year terms.

(4) *Selection Panel.* Upon adoption of this Chapter into law, and as provided in subsection (6) (“Expiration of Terms and Vacancies”), two members of a Selection Panel shall be appointed by the Mayor and three members shall be appointed by the Council.

(a) *Qualifications of the Panel.* Members of the Selection Panel must have an established background in civic and community engagement and must be residents of the City. Members may not be a current or former sworn employee of the Department; a current or former member of a union that represents a municipal or state police department; or a current officer of a political party.

(b) Upon appointment of a quorum of panel members, the panel shall solicit applications from individuals seeking to serve on the Commission. The Panel shall receive administrative support for its work from such agency as may be designated by the Mayor.

(c) The Selection Panel shall interview applicants of its choosing who, based on a threshold review, best meet the qualifications to serve on the Commission. The Panel shall also conduct a proceeding in a public setting that will allow for public comment with respect to proposed nominees.

(d) The Panel shall solicit and obtain such background checks and reviews of candidates as it deems appropriate.

(e) Within 90 days of establishment of a quorum of the Panel, the Panel shall select a proposed slate of members of the Commission to fill any unfilled seats or vacancies on the Commission and shall forward the proposed names to City Council.

(5) *Council Confirmation.* Council shall vote upon confirmation of any such proposed members. If a member is disapproved by Council, the Selection Panel shall propose an additional member.

(6) *Expiration of Terms and Vacancies.* No less than ninety days before the expiration of a term of a member, or upon a vacancy on the Commission, the Commission shall notify the Mayor and the Chief Clerk of Council of the need to appoint a Selection Panel for the purpose of filling the seat on the Commission. Members of the Commission shall serve as holdovers until the member’s successor is confirmed.

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(7) *Removal. Members shall be disqualified from service based on a post-appointment conviction for a felony; non-residency; or a determination by the Philadelphia Commission on Human Relations, or a similar body, of a violation of the City's Fair Practices Ordinance, or a similar law. Members may only be removed for cause by Council resolution, at the suggestion of Council, the Mayor, or the Commission. Cause for removal shall include misconduct, inability or failure to perform required duties or obligations, or a substantial violation of City or Commonwealth ethics laws. The member shall have the opportunity to be heard at a hearing on such resolution, notice of which shall be provided to the member.*

(8) *Election of Officers. Upon establishment of an initial quorum, the Commission members shall select a Chair, Vice-Chair and such other officers as determined by the Commission and shall reselect such officers every four years thereafter.*

(9) *Training. The Commission will develop and implement a training program for commissioners with input from other criminal justice partners, such as the Department, the District Attorney's Office, the Law Department, the Defender Association and community and civil rights organizations. The curriculum will include, but not be limited to, federal and state constitutional law; Philadelphia Police Department directives, policies, and procedures; contemporary best practices and evidence-based training for police and for civilian oversight of law enforcement; the Commission's policies and procedures; and other areas the Commission determines relevant.*

(10) *Prohibited Activities. Members of the Commission may not seek or hold a position as an appointed or elected public official within the Commonwealth. In addition to all other applicable ethics provisions of the Home Rule Charter and The Philadelphia Code, no member of the Commission shall make any financial contribution to any candidate for, or incumbent of, a political office of the City or Commonwealth.*

(11) *The Commission shall hold meetings twice a month and shall maintain video recordings of all open sessions on its website. The Commission shall also conduct public hearings on the Department's policies, practices and procedures related to officer conduct and discipline, and the budget of the Department as it relates to such issues, at such times as deemed necessary, and shall forward to the Council any budgetary recommendations.*

(12) *The Commission may enter into agreements with City and other governmental agencies regarding implementation of this Chapter.*

§ 21-1204. Executive Director, Counsel and Staff.

(1) *The Commission shall appoint and determine the compensation of an Executive Director with the following minimum qualifications:*

(a) *A commitment to the improvement of policing within the City.*

(b) *Leadership and management skills.*

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- (c) *Knowledge of relevant law and law enforcement practices.*
- (d) *Experience and expertise in conducting or supervising investigations.*
- (e) *Integrity, independence and professionalism.*

(f) *The ability to serve diverse constituencies including, but not limited to, people of all races, ethnicities, ages, immigrant or citizenship status, genders, sexual orientation, or gender identification; law enforcement; members of the press; and elected officials.*

(2) *The Executive Director shall not be a current or former sworn employee of the Department; a current or former member of a union that represents a municipal or state police department; or a current officer of a political party.*

(3) *The Executive Director shall have the authority to hire staff, including associate counsel, and enter into contracts for the Commission. The Executive Director shall consider cultural competency and language access needs when establishing criteria for hiring staff.*

(4) *Chief Counsel. The Commission shall appoint and set the compensation of a Chief Counsel to act on its behalf in connection with the Commission carrying out all investigatory, advisory and other matters consistent with the duties set forth in this Chapter, and may consult or retain additional counsel for such purposes.*

§ 21-1205. Investigation of Complaints.

(1) *The Commission shall receive, register and initially evaluate all complaints made against members of the Department, whether made by citizens, employees of the Department or other government employees.*

(2) *The Commission shall conduct investigations into such complaints as it determines in its discretion, except as provided in subsection (3) below.*

(3) *The Commission shall not investigate:*

(a) *Complaints involving violations of the City's internal EEO policies, including claims of harassment, intimidation, retaliation or abuse of City employees or applicants for City employment because of race, ethnicity, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, age, disability, marital status, source of*

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income, familial status, genetic information, or domestic or sexual violence victim status. In all instances such complaints shall be referred to the Employee Relations Unit of the Department of Labor.

(b) Complaints of Department employees involving purely internal employment matters, such as assignment of overtime, work duty assignments, and other similar matters that do not concern allegations of abuse, corruption, intimidation, harassment or allegations of threat to the integrity of the criminal justice process.

(4) The Commission shall provide relevant information of complaints made to the Commission as follows:

(a) The Commission shall provide to the Department information concerning all complaints made against Department officers and employees and shall identify those complaints with respect to which the Commission intends to carry out an investigation.

(b) The Commission shall refer complaints concerning EEO matters addressed in subsection (3)(a) to the Department of Labor.

(c) The Commission shall share complaints with the District Attorney, Inspector General, the Board of Ethics and any other appropriate City or other law enforcement or governmental agency as it deems appropriate.

(5) The Commission shall develop cooperative agreements with the Department, the District Attorney, the Department of Labor, the Inspector General, and any other appropriate agency for the management of dual investigations and overlapping investigations in which a matter may fall within the purview of one or more such agencies, in addition to that of the Commission.

(6) Nothing in this Chapter shall preclude the Commission from receiving a referral or information from any federal, state or local law enforcement, or other governmental, agency. Nothing in this chapter shall preclude the Commission from investigating matters within its purview concurrently with an active criminal investigation.

§ 21-1206. *Other Investigations.*

(1) The Commission shall have the authority to conduct investigations, and where appropriate, recommend charges and discipline, concerning the following

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conduct of Police officers, without regard to whether a specific complaint of misconduct has been made:

(a) *All incidents suggesting violations of the 4th Amendment to the U.S. Constitution and/or Article 1, Section 8 of the Pennsylvania Constitution relating to improper search and seizure;*

(b) *All incidents of Police use of force, including the use of Electronic Control Weapon (ECW)/Taser, or the use of any other weapon or instrument applied with force;*

(c) *All incidents involving the discharge of a firearm;*

(d) *All injuries of people that occur while they are detained by or in the custody of the Department;*

(e) *All incidents that involve injuries arising from police action, including, but not limited to, efforts to subdue and apprehend an individual suspected of suspects;*

(f) *Any incident where an officer is involved in the death of another person;*

(g) *All misconduct during the investigation of a matter, such as allegations of lying to Commission, during the course of an investigation within the authority of the Commission;*

(h) *All policies or practices of the Department reasonably related to the mission of the Commission.*

§ 21-1207. *Access to Information.*

(1) *For purposes of investigations, the Commission shall have access to crime scenes and the same access as the Department to investigative materials, including the right to be present at all interviews with witnesses and Department officers. The Department shall timely notify the Commission of all interviews with witnesses and Department officers so that Commission staff may be present.*

(2) *The Commission shall have the same access as the Department's Internal Affairs and Standards and Accountability Division to all Department files, records, and Department personnel records related to matters within the purview of the Commission. The Commission shall have access to such records and files, including to factual records*

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related to civil litigation involving the City, to enable review for, among other purposes, investigations, policy analysis, and public discipline reporting. This includes direct electronic access to Department databases that store investigative information, as defined by applicable law.

(3) *No Commissioner or Commission employee shall have access to files, records and other investigative materials in which the Commissioner or employee is a complaining party.*

(4) *The Commission may issue and enforce subpoenas and compel the attendance of witnesses or the production of documents and other evidence in support of any investigation as provided in Section 8-409 of the Home Rule Charter.*

§ 21-1208. Disciplinary Recommendations.

(1) *Where the Commission finds a complaint to have been substantiated against an officer and discipline should be imposed, or determines based on an investigation not based on a complaint that in its determination discipline should be imposed, it shall promptly notify the Police Commissioner of its finding and recommendation concerning discipline. All such recommendations shall be in accordance with the Department's disciplinary code.*

(2) *The Commissioner shall respond, in writing, within thirty (30) days of receiving such a finding and recommendation, explaining whether the Commissioner:*

(a) *has imposed or intends to impose the recommended discipline;*

(b) *has imposed or intends to impose a higher or lower level of discipline; and*

(c) *requires the Commission to complete further investigation, the reasons for further investigation, and what that investigation entails before making a decision.*

§ 21-1209. Participation in Police Board of Inquiry Hearings.

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(a) *The jurisdiction of the Commission shall include joint participation in the charging and administrative prosecution of all complaints referred to the Police Board of Inquiry (“PBI”).*

(b) *Within one-hundred and twenty days of the appointment of a quorum of the Commission, the Commission and Department shall develop a Memorandum of Understanding regarding the joint exercise of powers before the PBI, which shall include a process for jointly determining the specific violations of the Philadelphia Police Disciplinary Code for which the accused is to be charged, any guilty plea offers or withdrawal of charges and a process for the questioning of witnesses, introduction of exhibits and evidence, and presentation of disciplinary recommendations.*

(c) *As authorized by Sections 4-2301 and 8-409 of The Home Rule Charter, the Commission shall have the power to issue subpoenas to compel the attendance of persons and the production of documents necessary for the administrative prosecution of complaints before the PBI.*

(d) *Publication of notice of the place, date, and time of any PBI hearing the Commission will be engaging in shall be posted on the Commission’s website at least seven (7) days prior to the hearing.*

(e) *An appropriately redacted audio recording or transcript for all complaints prosecuted by the Commission before the PBI shall be retained by the Commission and shall be made available, upon payment of costs, to any person requesting it.*

§ 21-1210. Audits and Policy Recommendations.

(1) *The Commission is authorized to carry out investigations into the general policies and practices of the Department reasonably related to the mission of the Commission. Such investigations may include, but are not limited to, auditing and monitoring cases, active or completed, that have been investigated by the Internal Affairs Unit, for the purpose of providing recommendations as to the quality of, and best practices pertaining to, investigations.*

(2) *The Commission may make recommendations to the Department concerning policy, practice, procedure and training matters reasonably related to the mission of the Commission at any time. The Commission shall publish formal recommendations on its website within five (5) days of submission to the Department, as well as provide a written copy to the Mayor and City Council.*

(3) *The Police Commissioner shall provide a written response to each of the Commission’s recommendations within thirty (30) days of receipt, stating whether the Department will accept the recommendations, a description of the action the Department has*

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already taken or is planning to take, and a timeline for implementation. If the Department declines to accept one or more recommendations, a written explanation must be provided. The Department may, in writing, request an additional 15 days to submit a response to the Commission.

(4) The Chair of the City Council Committee on Public Safety may require the Commission and Police Commissioner to appear at a public hearing to explain and respond to questions concerning any policy, practice, procedure or training recommendations and responses.

(5) The Commission shall conduct an annual performance review of the Executive Director and an annual review of the performance of the Police Commissioner with respect to the manner in which the Commissioner publicly addresses matters related to the mission of the Commission. The Commission shall determine the criteria for evaluating the Executive Director's and the Police Commissioner's job performance and communicate those performance criteria, in addition to any other job performance expectations, to the Executive Director and the Police Commissioner. Such review may include solicitation of voluntary input from individuals and officials who are familiar with the Executive Director's or the Police Commissioner's job performance. The written annual performance review of the Police Commissioner will be posted publicly by the Commission annually on its website.

(6) The Commission shall annually review the Mayor's proposed budget to determine whether budgetary allocations for the Department are aligned with the Department's policies, procedures, practices, and priorities concerning matters within the mission of the Commission.

§ 21-1211. Additional Duties of the Department and Other Agencies.

(1) Except with respect to complaints addressed in subsections 21-1205(3), all complaints about conduct of police officers received by the Department or any other City agency shall be forwarded to the Commission.

(2) Nothing in this Chapter shall prohibit the Police Commissioner or a commanding officer from investigating the conduct of an officer under his or her command, nor shall anything in this Chapter prohibit the Police Commissioner from taking disciplinary or corrective action in any matter.

(3) It shall be the duty of every officer, employee, department, and agency of the City to cooperate with the Commission in an investigation undertaken pursuant to this chapter. The Police Commissioner shall order all officers to cooperate with an investigation with the Commission.

(4) A refusal to cooperate, and/or relating false or misleading information to the Commission, upon a lawful request by the Commission, shall be

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considered a violation of this Chapter. Any employee or appointed officer of the City or law enforcement agency who violates any provision of this chapter may be subject to discipline, in accordance with the standards of discipline of the department or agency.

(5) The Commission may bring a charge of refusal to cooperate and/or relating false or misleading information to the Commission to the Police Commissioner with a recommendation for discipline pursuant to the Department's disciplinary code.

§ 21-1212. Required Reporting

(1) Powers and Duties. The Commission shall have the power and duty to facilitate the public release of information related to officer misconduct, internal investigations, and the disciplinary process, to the extent permitted by applicable law, in order to improve transparency and communication between the community and the Police Department and foster the prevention and reduction of crime, including police misconduct. In carrying out this responsibly, the Commission shall prioritize the importance of community engagement in the administration of criminal justice in the City.

(2) Reporting by Commission.

(a) The Commission shall submit its first annual, written report to the Mayor, City Council and the public within eighteen (18) months of the City Council's confirmation of the first group of Commissioners. The Commission's subsequent reports shall be submitted annually on or near the anniversary of that date. The Commission's shall also present their annual report to the Committee on Public Safety annually, at a date of the Chair's choosing.

(b) The Commission shall issue an annual report to the Mayor, the City Council, and to the public to the extent permissible by law. The annual report shall include a detailed summary of the Commission's activities during the year, detailed summaries of the Police Commissioner's, the City Solicitor's, and Department of Labor's reports to the Commission, the Police Commissioner's annual performance review, and shall include the following information:

(.1) A summary report for all investigations completed during the applicable time frame;

(.2) A summary of all activities undertaken related to community input, engagement, and outreach; and,

(.3) A detailed annual statistical analysis designed to explain to the

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public the Commission's work. Wherever possible, the Commission must aggregate the data by investigative category and the demographics of the involved citizen and Department members. The analysis shall include, but is not limited to, data related to the following:

(.a) Total number of complaints against police, that have been received by the commission broken down as follows: (i) citizen complaints against police, (ii) department employee complaints, (iii) combined complaints against police;

(.b) Total number of (i) investigations of individual officers conducted by the Commission; (ii) investigations referred to the Department for discipline by the Commission;

(.c) Total number and type of Commission investigations that (i) were opened by the Commission; (ii) remain open, (iii) that have been completed, (iv) that have been resolved by mediation;

(.d) Total number of investigative outcomes for investigations completed by the Commission aggregated by type of complaint;

(.e) Officer disciplinary recommendations aggregated by type of investigation, level of discipline, and the demographics of involved citizens and officers;

(.f) A compilation of the disciplinary recommendations made by the Commission and the corresponding action taken by Police Commissioner, aggregated by type of investigation and the demographics of involved citizens and officers;

(.g) Total number of firearm discharges, aggregated by the demographics of involved citizens and officers, and including whether injury or death resulted;

(.h) Total number of non-firearm weapon use, aggregated by type of weapon, demographics of involved citizens and officers, and including whether injury or death resulted;

(.i) Data regarding the racial, ethnic, and gender demographics of the citizens and officers involved in each investigation, as well as the area of occurrence by police district and police service area;

(.j) Analysis of investigations by type and outcome, including disciplinary and/or training recommendations by district, division or specialty unit;

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(.k) A list of officers who have ten (10) or more complaints of misconduct within five (5) years of the reporting period, including the officer's name, badge number, unit of assignment, gender, race, date of appointment to the Department, and the number and types of complaints filed against the officer.

(c) All audits and surveys conducted by the Commission and all policy evaluations and recommendations proposed shall be released publicly five days after submission to the Department and published on the Commission's website where they shall remain permanently available. All data sets associated with each audit, survey, and policy evaluation and recommendation will be released publicly on the website of the Commission but will be appropriately redacted or aggregated if required by applicable law. The data sets will remain on the website in compliance with the record retention periods defined under the Charter.

(d) All final reports of the Commission shall be open to public inspection, except to the extent that information contained therein is exempted from disclosure by applicable law. Nothing in this ordinance will prevent the Commission from reporting information above and beyond what is required by the Pennsylvania Right to Know Law Act insofar as that information is not prohibited from publication by other applicable law.

(3) Nonpublic Database. The Commission shall maintain an internal database containing the complete complaint and disciplinary history for each officer. The database shall include, but is not limited to, the following for each officer, and shall be expanded to include any other relevant information:

- (a) all police misconduct investigations;*
- (b) complete disciplinary history;*
- (c) all use of force reports;*
- (d) civil lawsuits and relevant trial and motion notes of testimony in criminal and civil cases;*
- (e) arbitration decisions; and,*
- (f) assignment histories.*

(4) Public Database. The Commission shall maintain full administrative rights to an additional public electronic database that is independent from databases used by the Department. It shall maintain the data in a format that allows efficient exporting of data to the Commission's website in delimited machine-ready format for public inspection. The

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Commission shall redact the data sets in the public database to remove names and other identifying information of civilians; complainants, including Department employee complainants; and other information as the Commission deems appropriate. The database shall include the below information, if appropriate after the Commission's review, which shall be posted within thirty (30) days of its availability and updated every thirty (30) days, unless the Commission determines the posting of such information would threaten or compromise the integrity of an investigation:

(a) The following investigative information:

(.1) The complaint or investigation number;

(.2) The police district in which the complaint incident took place;

(.3) Location of incident reduced to hundred block;

(.4) Date and time of the incident;

(.5) Date the incident was reported to the Commission, the Department, or otherwise came to the Commission's attention;

(.6) Whether video of the incident exists;

(.7) A summary of the allegations;

(.8) The type of complaint or investigation;

(.9) Date the investigation was completed;

(.10) For each officer who is a subject of the investigation:

(.a) Initials of the officer;

(.b) If the complaint or investigation is sustained: name, badge number, and date of appointment to the Department;

(.c) Race, gender, age at the time of the incident ("Demographic Information");

(.d) Rank at the time of complaint;

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- (.e) *On or off duty at time of incident;*
- (.f) *Number of previous complaints or investigations against subject officer, delineated by type, within ten (10) years of incident;*
- (.g) *Number of previously sustained complaints or investigations against subject officer, delineated by type, within ten (10) years of incident;*
- (.h) *All misconduct category codes for the incident under investigation;*
- (.i) *The Commission's or the Department's recommended outcome of the investigation, including whether the outcome was the result of mediation or whether the investigation was referred for mediation but was unsuccessful;*
- (.j) *The Commission's or the Department's recommended discipline;*
- (.k) *Discipline imposed by Police Commissioner;*
- (.l) *The final outcome of the investigation;*
- (.m) *The final discipline imposed;*
- (.n) *If a PBI hearing takes place, the date of the hearing and the hearing transcript or a recording of the hearing;*
- (.o) *Whether a grievance was filed;*
- (.p) *If an arbitration took place: (i) the date of the arbitration hearing, if applicable, (ii) the result of the arbitration, (iii) the arbitrator's name, (iii) a copy of the arbitration decision, (iv) the hearing transcript or recording of the arbitration hearing;*
- (.q) *A redacted copy of the Commission's investigative memo to the Police Commissioner or a redacted copy of the Police Commissioner's memo with investigative findings and recommended discipline in PDF or similar format;*
- (.r) *A copy of any Police Commissioner's response to the Commission's recommended discipline; and*

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(.s) *The civil complaint, disposition, and verdict or settlement amount, if applicable.*

(.11) *Demographic Information for each civilian involved in an incident under investigation, including all civilian complainants or civilian witnesses; and*

(.12) *Demographic Information for each department employee complainant involved in an incident under investigation.*

(b) *The following additional information, if available, regarding the investigation involves officer discharge or other use of a firearm, stun gun, Electronic Control Weapon (ECW)/Taser, or any other device, instrument, or object capable of inflicting pain or injury; all deaths of or serious bodily injuries to people that occur while they are detained by or in the custody of the Department; and incidents where an officer is involved in the death of another person, whether the officer is on or off duty:*

(.1) *The type of incident;*

(.2) *Type of weapon used;*

(.3) *Duration and/or number of times weapon used;*

(.4) *The Commission's investigation number and corresponding Department investigation number, if applicable;*

(.5) *For each shooting officer:*

(.a) *Make and model of weapon;*

(.b) *Number of shots fired;*

(.c) *The range at which the weapon was fired;*

(.d) *For ECW/Taser incidents, the duration that the device was deployed and the number of cycles;*

(.e) *Injuries sustained by any officer on the scene;*

(.f) *Each target or victim of the weapon;*

(.g) *If animal targeted, the type of animal targeted or victimized, and whether injury or death resulted;*

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(.6) *Where a person is targeted or victimized, the Commission shall also post the individual's:*

- (.a) Demographic Information;*
- (.b) Any weapon possessed;*
- (.c) If the person was shot, the point at which any bullet impacted the subject;*
- (.d) Whether the person was injured;*
- (.e) Whether a person was killed.*

(c) Subject to subsection (c)(.1) ("Department Objection") below, within thirty (30) days of the close of the Department's investigation, including, but not limited to, internal investigations related to police misconduct and discipline; citizen complaints against police; use of force reviews; police shooting investigations; all deaths of or serious bodily injuries to people that occur while they are detained or in the custody of the Department; and any other incidents where an officer is involved in the death of another person, whether the officer is on or off duty, the Commission shall post on its website all information identified under subsections (3)(a) and 3(b), above, for each investigation conducted by the Department.

(.1) Department Objection. If the Department objects to the posting of any information regarding its investigation being posted to the Commission's website, the Department will note its objection with the Commission in writing within fifteen (15) days of the close of its investigation with the reasons for the objection and the information it objects to appearing on the Commission's website. The Commission shall review the objection and vote on the objection at its next regular meeting. The Commission may reject the objection, accept the objection, or accept or reject the objection in part. The Commission will not post any information to its website regarding the investigation until the objection is resolved.

(5) Reports from Other Agencies. The Commission shall require the Police Commissioner, City Solicitor, and Department of Labor to submit an annual report to the Commission regarding such matters as the Commission shall require. Initial reports will be required within two hundred and forty (240) days of the City Council's confirmation of the first group of Commissioners and on the anniversary of that date thereafter, and updates will be required on a monthly basis, as applicable.

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(a) *The Commission shall notify the Police Commissioner regarding what information will be required in the Police Commissioner's reports to the Commission, which shall include, at a minimum, the following:*

(.1) *Annual Reports:*

(.a) *The number of citizen complaints against police submitted to the Department's IAD the previous year listed by misconduct type;*

(.b) *The number of internal investigations opened by IAD listed by misconduct type;*

(.c) *The number of total pending investigations in IAD, and the types of misconduct being investigated;*

(.d) *The number of all types of investigations completed by IAD, and the results of the investigations;*

(.e) *Number of officers disciplined and the level of discipline imposed, including whether discipline was imposed pursuant to guilty plea or a finding by the PBI, the types of charges sustained, the types of charges that were pleaded to, the number of grievances filed, and the results of those grievances;*

(.f) *The number of closed investigations that did not result in discipline of the subject officer;*

(.g) *The number of training sessions provided to officers, the subject matter of the training sessions, and the number of officers who participated in each training subject;*

(.h) *Revisions made to Department directives, policies, and standard operating procedures;*

(.i) *The number and locations of police shootings;*

(.j) *The number of Use of Force Review Board hearings and statistics regarding how many incidents were ruled out of policy;*

(.k) *A summary of the Department's monthly Use of Force Reports, including the number of use of force reports per month, the type of force used, and whether the use of force was approved; and;*

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(.1) Updates to any local, state, or federal oversight of the police department;

(.2) *Monthly Updates.* The Police Commissioner shall provide monthly, unredacted updates to the Commission on IAD investigations, use of force reviews, police shootings, and any criminal charges brought against police officers related to misconduct or discipline. Each update will include at minimum:

(.a) Investigation, complaint, or court case number, as applicable;

(.b) The names of the officers involved, including badge number, payroll number, and assignment;

(.c) The type of investigation, complaint, or court case;

(.d) A summary of the allegations or issues;

(.e) For an IAD investigation, the Commissioner's memo, if the investigation is completed, and a memo has been produced;

(.f) For an IAD investigation, the result of the PBI hearing, if applicable, along with a hearing transcript or recording of the hearing;

(.g) The status of each investigation, complaint, or criminal case, as applicable; and,

(.h) Any change in circumstance that led to the update.

(b) The Commissioners shall notify the City Solicitor regarding what information will be required in the Solicitor's public reports to the Commission which shall include, at a minimum, the following, provided that nothing in this provision shall require the City Solicitor to disclose confidential attorney-client communication or privileged information:

(.1) *Annual Reports*

(.a) The number of lawsuits filed in state or federal court against the City involving officers in the previous year, including: the status of each suit; the type of suit (civil rights, labor, or other); the settlement or verdict amount, if applicable; declaratory judgments and the details thereof; the details of any non-confidential settlement or verdict that results in agreements that affect the policies, procedures, or operation of the police Department; and, the number of suits that were settled for confidential terms. The

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number of lawsuits in the annual report shall include any pending lawsuits that were filed but are still open or that were resolved during the last year;

(.b) The status of any federal consent decrees or other federal, state, or local oversight issues involving the Department and the City Solicitor reasonably related to the mission of the Commission;

(.c) The number of arbitrations that took place the previous year, the types of grievances that went to arbitration by number, the results of those arbitrations, the cost to the City of each arbitration reversal;

(.d) A list of the arbitrators who heard the grievances, the rates at which each arbitrator reversed the previous finding, and the rates at which each arbitrator reversed each type of grievance;

(.2) Monthly Updates. The City Solicitor shall provide monthly unredacted updates to the Commission on lawsuits and arbitration decisions involving officers. Each update shall include, at minimum:

(.a) Court caption and docket number;

(.b) The names of the officers involved who are named as a plaintiff or defendant in a case, including badge number, and assignment at the time of the incident, if known;

(.c) The type of lawsuit or arbitration;

(.d) A summary of the allegations or issues;

(.e) If applicable, a copy of the complaint and/or the amended complaint;

(.f) If applicable, a copy of the arbitrator's opinion;

(.g) If applicable, a copy of the arbitration hearing transcript or recording;

(.h) The status of lawsuit or arbitration;

(.i) Verdict or settlement amount, if applicable; and,

(.j) Any change in circumstance that led to the update.

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(c) *The Commissioners shall notify the head of the Department of Labor regarding what information will be required in the Department of Labor's public reports to the Commission, which shall include, at a minimum, the following:*

(.1) *Annual Report. The number of labor complaints reasonably related to the mission of the Commission filed the previous year involving officers, the type of each complaint, how many complaints involved a superior officer, how many complaints involved an officer with a leadership position, the status of those complaints, the outcomes of those complaints, and the rate at which each type of complaint went to arbitration.*

(.2) *Monthly Updates. The Department of Labor shall provide unredacted, monthly updates to the Commission on labor complaints involving officers that are reasonably related to the mission of the Commission. Each update shall include at minimum:*

(.a) *Investigation or complaint number, as applicable;*

(.b) *The names of the officers involved, including badge number, payroll number, and assignment;*

(.c) *The type of investigation or complaint;*

(.d) *A summary of the allegations or issues;*

(.e) *The status of each investigation or complaint; and*

(.f) *Any change in circumstance that led to the update.*

(6) *Confidentiality of Information.*

(a) *The Commission shall promulgate rules and regulations, subject to applicable law, to govern the disclosure and dissemination of information related to investigations, recommendations, reviews, performance evaluations and the other duties of the Commission. The disclosure and dissemination of information, including public reporting, shall only take place as permitted by applicable law.*

(b) *Notwithstanding any other provision of this ordinance, the Commission is prohibited from releasing to the public the names and identifying information of civilians without their consent. The Commission shall provide any alleged victim in a sexual misconduct, sexual assault, rape or domestic violence investigation with the option to keep*

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confidential the specific details of the complaint and specifics of the investigation from the summary reports made available to the public.

(7) *Record Retention. The Commission shall work with the Department of Records to develop a records retention schedule taking into consideration the goal of fostering transparency and the community's trust in the Commission and the Police Department.*

§ 21-1213. *Compliance with Applicable Law.*

All activities of the Commission shall be pursued in accordance with applicable local, state and federal law, including applicable rules for implementation of policy when collective bargaining is required.

§ 21-1214. *Severability.*

If any provision of this Chapter 21-1200 or application thereof to any persons or circumstances is judged invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the invalidated provision or application and to this end the provisions of the ordinance are declared severable.

SECTION 2. Section 20-304 of The Philadelphia Code is amended as follows:

CHAPTER 20-300. COMPENSATION AND BENEFITS

* * *

§ 20-304. Compensation for Members of Boards, Commissions, Committees and Councils.

* * *

() *Citizens Police Oversight Commission. Each member of the Citizens Police Oversight Commission shall receive one hundred twenty-five dollars (\$125) as compensation for each meeting or hearing of the Commission which the member attends.*

* * *

Explanation:

Italics indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on May 27, 2021. The Bill was Signed by the Mayor on June 9, 2021.



Michael A. Decker
Chief Clerk of the City Council

Appendix 1 - Glossary of Terms

Complaint Against Police/CAP - Any complaint against a member of the PPD that is initiated by a civilian.

Citizens Police Oversight Commission/CPOC – The new civilian oversight agency for the PPD. CPOC was approved by Philadelphia voters in the 2020 election, and City Council drafted legislation to determine the powers and authority of CPOC. The legislation was voted on and passed in May of 2021.

Not guilty memo – The memo prepared by the PBI board president that explains why the board found the officer not guilty. The memos often list what evidence they found to be compelling and reasoning for their finding.

Police Advisory Commission/PAC – The previous civilian oversight agency for the Philadelphia Police Department. The PAC was housed within the City of Philadelphia Managing Director’s Office. The PAC was folded into CPOC when the CPOC legislation went into effect in June of 2022.

Police Board of Inquiry/PBI – PBI is a unit at PPD that is comprised of two smaller units, PBI Charging and the Department Advocate. PBI handles discipline charging, discipline plea negotiations, discipline hearings, and discipline record retention for the entire PPD.

PBI Board – A panel of two PPD personnel and one civilian comprises a PBI board during a PBI hearing. The job of the board is to hear from the PPD via the department advocate as to why the officer is guilty, hear from witnesses, and from the accused officer they choose to testify. The PBI Board then decides whether the officer is guilty or not guilty of the misconduct of which they are accused. One of the board members must be of the same rank as the accused.

PBI Board President – The highest-ranking officer on a PBI board. They are responsible for directing the hearing and writing a memo after the hearing if the board finds the accused not guilty. The board president also rules on any objections raised during the hearing.

PBI Charging Unit – This unit has 1 commanding officer and two support staff. The commanding officer is responsible for applying discipline charges from the PPD discipline code to any sustained allegations of misconduct. The commanding officer has broad discretion to offer training and counseling rather than formal discipline charges for sustained allegations.

PBI Department Advocate – The position within the PBI unit that prosecutes administrative discipline cases on behalf of the PPD. The position is currently held by a PPD lieutenant who is not an attorney. The Department Advocate also arranges administrative plea deals for discipline charges if officers choose to plead guilty.

**COLLABORATIVE REVIEW AND REFORM OF PBI
PARTS 1 and 2
RECOMMENDATION LIST**

Recommendation 1: The PPD should draft, in collaboration with CPOC, a more comprehensive policy that narrows the circumstances in which training and counseling can be used as an alternative to formal discipline charges.

Recommendation 2: In bringing charges against PPD personnel for sustained misconduct, the charging authority should bring all charges that are applicable.

Recommendation 3: Before discipline charges related to CAPs are delivered to an officer, PAC/CPOC should review the charges to ensure accuracy and completeness.

Recommendation 4: Notifications to complainants and witnesses should be checked for accuracy and sent across several avenues such as text message, telephone and email. To enhance the accountability of this process, staff should sign logs attesting to accuracy review and additional investigation to locate new contact information if needed. Without a log, it would be difficult to determine which individual contributed to the faulty notification.

Recommendation 5: The PBI Department Advocate should request continuances to ensure notice was given to complainants and witnesses and that forwarding addresses are accurate.

Recommendation 6 – PBI hearings should begin promptly at their scheduled start times.

Recommendation 7: All individuals with relevant information should be asked to attend hearings and at times, expert testimony should be provided.

Recommendation 8: The PPD should include civilians as discipline hearing adjudicators and should include this in negotiations with the FOP so that civilians can participate regardless of what provisions are included in the final CPOC legislation.

Recommendation 9: The PPD should work with PAC/CPOC staff to design the qualifications and specifications for the civilian PBI board member role, as well as to interview, select, and train candidates.

Recommendation 10: Jury verdict forms with interrogatories should be used to narrow the scope of the PBI board's review.

Recommendation 10-A: Unspecified charges should be authorized only if the charge is unable to be described in the existing code. When the conduct has not been described elsewhere, the charging documents should include, and the PBI panel should be reminded, that this

charge specifically requires the panel to solely determine if the conduct compromised the integrity of the Department.

Recommendation 11: PBI voting sheets should require each member of a PBI board to document their reasons for their recommendations to the Police Commissioner regarding their findings and their discipline recommendations, if applicable.

Recommendation 12: The PPD should update the mission statement of the PBI to reflect the duty to provide justice not only to officers but also to residents of Philadelphia who have been victims of police misconduct.

Recommendation 13 – Attorneys not affiliated with the PPD should prosecute administrative discipline cases.

Recommendation 14: Regardless of who is responsible for administratively prosecuting discipline cases in the future, there should be more personnel dedicated to the prosecutorial role.

Recommendation 15: Charges that challenge the character/credibility/honesty of the officer should not be withdrawn in exchange for guilty pleas.

Recommendation 16 – The standard of evidence for IAD investigations and PBI hearings should be clearly defined in all public and internal documents related to the discipline process including but not limited to Directive 8.6 and PBI board voting sheets, and recited to PBI board members at every PBI hearing.

Recommendation 17 – The PPD should utilize an employee other than the PBI Department Advocate to manage the administrative functions of PBI hearings.

Recommendation 18 – The PPD should hold PBI hearings in a room that can accommodate observers and is dedicated strictly to hearings.

Recommendation 19 - The PPD should revise the security desk policy to clearly state the circumstances in which civilians may be denied access to PBI hearings. Ease of access should be paramount upon entry to a PBI hearing.

Recommendation 20 – The PPD should utilize technology available for virtual calls to make PBI hearings more accessible to civilian complainants and witnesses.

Recommendation 21– The PPD should create standard operating procedures for PBI hearings that are accessible at all times to PPD personnel and the public.

Recommendation 22 – The PPD should record the entirety of PBI hearings including closing arguments to create a complete record of each PBI hearing.

Recommendation 23 - Procedural information about PBI hearings, including but not limited to rules, training materials, and a public hearing calendar should be in one place on the PPD website for easy accessibility by the public.

Recommendation 24: To determine if ineffective Department directives contributed to the hearing outcome, a copy of all hearing transcripts, relevant evidence, witness statements and not guilty memos associated with PBI hearings should be forwarded to PAC/CPOC for post-trial audits. These audits would serve as holistic reviews of PBI cases to identify any policy or practice issues uncovered in the investigation, charging process, or PBI hearing.

Recommendation 25: An advisory disciplinary matrix should be created by the Police Commissioner, with input from CPOC. The disciplinary matrix should state a presumptive penalty for infractions, with mitigating and aggravating factors, to determine discipline.

New Recommendations – Part 2

New recommendation 1: Recommendation 12 from Part 1 suggested changes to the PBI mission statement to better reflect that it responsible for providing accountability to civilians who have been victims of misconduct. PPD should incorporate the following language into internal and external documents that include the PBI mission statement.

New recommendation 2: Recommendation 16 from Part 1 called for a clear definition of the standard of evidence for IAD investigations and PBI hearings. Below is CPOC's proposed definition for dissemination:

Using the preponderance of evidence standard, the burden of proof is met when the PBI Department Advocate or other representative of the Department convinces the members of the PBI panel that there is a greater than 50% chance that the alleged misconduct occurred. Applying the preponderance of the evidence standard, panel members will vote individually regarding whether the disciplinary code violation occurred.

This definition should be added to the PBI board voting sheets so that it is clear to panel members what standard they should be using to evaluate the evidence that is presented in the hearing.

New recommendation 3: PBI voting sheets should be moved into a digital format for easier access, readability, and data collection.

New recommendation 4: PBI board members should be given full copies of PC memos, charges, and all interview memos as a matter of PBI hearing procedure.

New recommendation 5: If a civilian complainant/victim does not appear, it should not impact the vote of the PBI board. This should be a formal instruction to the PBI panel, and any

civilian's failure to appear at a PBI hearing should not be discussed as a factor in determining whether an officer violated policy or the seriousness of their discipline.

New recommendation 6: PBI colloquies that decide discipline for officers who plead guilty to more serious offenses include negotiation between the PBI Department Advocate and the FOP attorney representing the accused officer. Colloquy negotiations should be observed by PBI panel present for the case.

New recommendation 6a: The discipline recommendations by panel members during colloquies should be clearly documented using PBI voting sheets.