



Citizens Police Oversight Commission Monthly Report

November 14, 2024




City of
Philadelphia



Citizens Police Oversight Commission

The mission of the Citizens Police Oversight Commission (CPOC) is to oversee and investigate the conduct, policies, and practices of the Philadelphia Police Department (PPD).


CPOC currently:

- Receives complaints of police misconduct
 - Audits and monitors Internal Affairs investigations and police disciplinary processes
 - Sits and votes on PBI panels at police discipline hearings
 - Conducts oversight of police shootings
 - Analyzes police data
 - Develops policy recommendations and reports
 - Engages in outreach and training
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Executive Director's Report

UPDATE ON SEATING NEW COMMISSIONERS

- In September, CPOC reported that the Commission had 4-5 vacant seats that needed to be filled on the Commission.
 - On September 26, 2024, the Commission voted to remove Commissioner Rosaura Torres Thomas as a member of the Board. Therefore, the Selection Panel will be recommending a slate of 5 names for City Council consideration.
 - The Selection Panel will be conducting interviews later this month.
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Executive Director's Report

UPDATE ON SEATING NEW COMMISSIONERS (cont.)

Selection Process:

The selection process is being led by a selection panel composed of three appointees from City Council and two appointees from the Mayor's Office. The selection panel is composed of civic and community leaders.

The Selection Panel appointees are:

- **Anton Moore**, President and Founder of Unity in the Community and Commissioner on the Advisory Commission of African American Affairs (Mayoral Appointment)
 - **Stanley Crawford**, Founder/CEO of The Black Male Community Council of Philadelphia (Mayoral Appointment)
 - **Bilal Qayyum**, President of the Father's Day Rally Committee (Council Appointment)
 - **Christina Vega**, Community in School Coordinator and Domestic Violence Advocate (Council Appointment)
 - **Caroline Stack**, Director of Legislative Affairs for Councilmember Curtis Jones Jr. (Council Appointment)
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Investigation Unit: Police Shootings (October 2024)

There were two police shootings of people in the month of October 2024. In 2024 so far, there have been nine police shootings. This total includes every time a PPD officer(s) discharges their firearm at a person.


The Investigations Unit has developed a website to update the public on police shootings shortly after they occur: <https://www.phila.gov/documents/list-of-police-shootings-and-incident-summaries-2024/>.





Investigation Unit: Police Shootings (October 2024)


October 4, 2024 - 3400 Willits Road

- A PPD Homicide Detective was in his personal vehicle, at approximately 11:30 PM.
 - Officers from the 8th Police District responded to the scene after receiving a radio call for an assist officer/report of a shooting.
 - The detective and another motorist had stopped their vehicles on the roadway. Preceding the shooting, the motorist exited his vehicle and approached the detective's vehicle on foot. The detective was sitting in the driver's seat of his vehicle. He fired his personal firearm multiple times out of the car, striking the motorist.
 - The motorist was transported to Jefferson-Torresdale Hospital by Philadelphia Fire Department paramedics, where he was later pronounced deceased.
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Investigation Unit: Police Shootings (October 2024)

October 28, 2024 - 3100 Custer Street


- Around 5:00 PM, patrol officers identified an individual, Philadelphia Resident A, in the area of Kensington and Allegheny. Philadelphia Resident A had an open arrest warrant for allegedly murdering someone in the area in early October.
 - After identifying Philadelphia Resident A, two patrol officers approached him, and Philadelphia Resident A ran away. The officers chased him into a narrow alley on the 3400 block of Custer Street.
 - Philadelphia Resident A had a .40 caliber handgun on him and fired at the officers. He did not hit them. The officers fired their handguns in response, striking Philadelphia Resident A in the shoulder area twice. One of the officers also attempted to tase Philadelphia Resident A.
 - Philadelphia Resident A was arrested, taken to the hospital, treated for his injuries, and listed in stable condition.
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Investigation Unit: Monitoring

The Investigations Unit monitors active civilian complaints.

Monitoring includes:

- Reviewing the complaint material
 - Discussing the investigation with IAD investigators
 - Reviewing body-worn camera footage and other video evidence
 - Attending and participating in IAD-led interviews
 - Using the Auditing Unit's process to audit and assess the investigation once it is complete
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Investigation Unit: Monitoring (October 2024)

Examples of the types of cases currently being monitored:

- Complaints alleging violations of the Fourth Amendment (search and seizure).
- Complaints alleging lack of service.
- Complaints alleging unprofessional conduct.





Investigation Unit: Investigations Explainer

An independent investigation is an impartial fact-finding inquiry conducted by the agency to determine whether alleged misconduct occurred. The principal purpose of the investigation is to provide an objective basis to pursue or not pursue discipline against the subject officer. Independent investigations also increase transparency through civilian-led investigations.

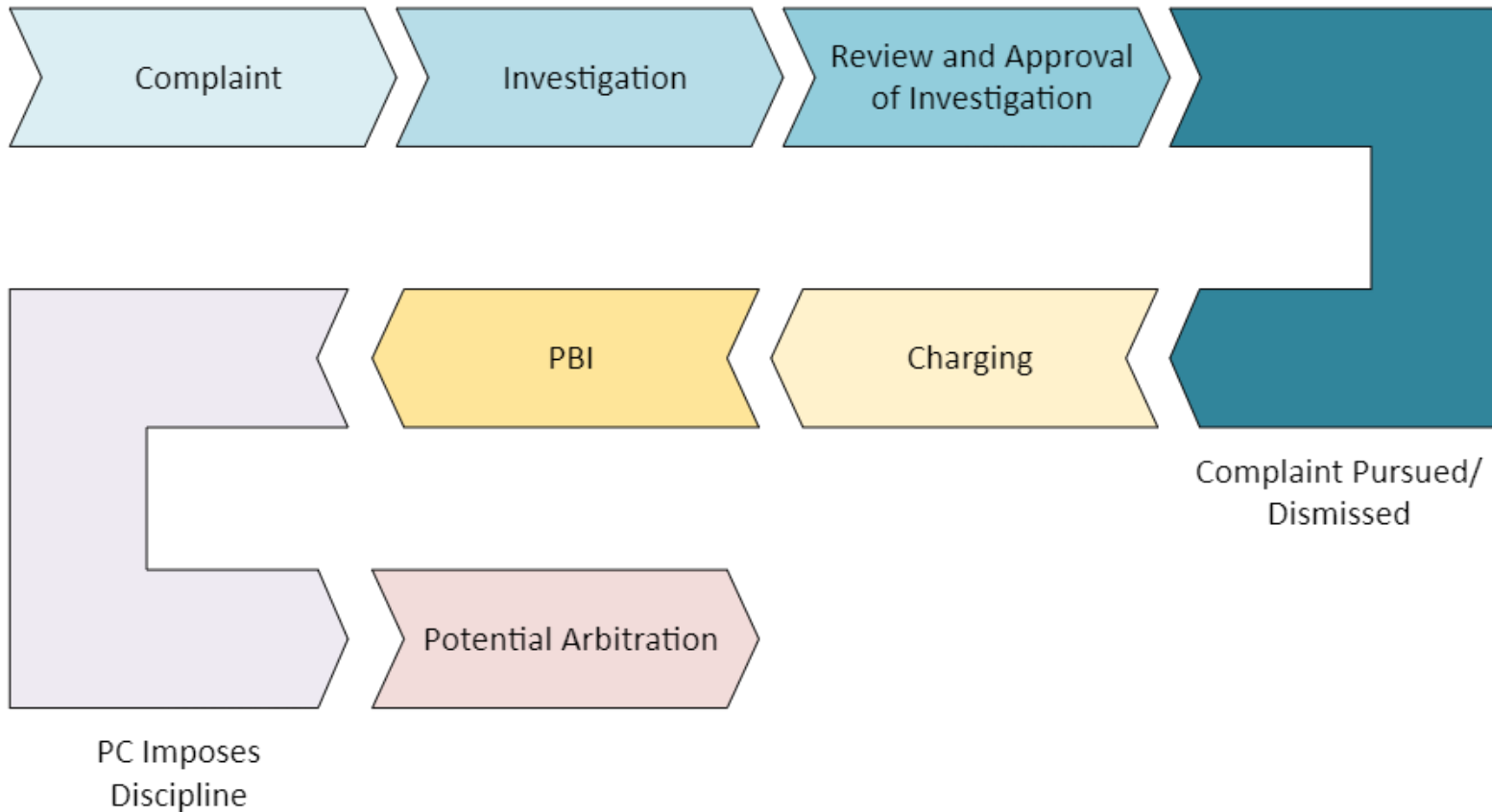
Ex: a person complains that a police officer used excessive force. An investigation would gather and examine all the relevant facts and apply them to a set standard, such as the police department's use of force policy.

Misconduct investigations are *administrative* and not *criminal* investigations.

Investigations are the initial steps in a multi-step disciplinary process.



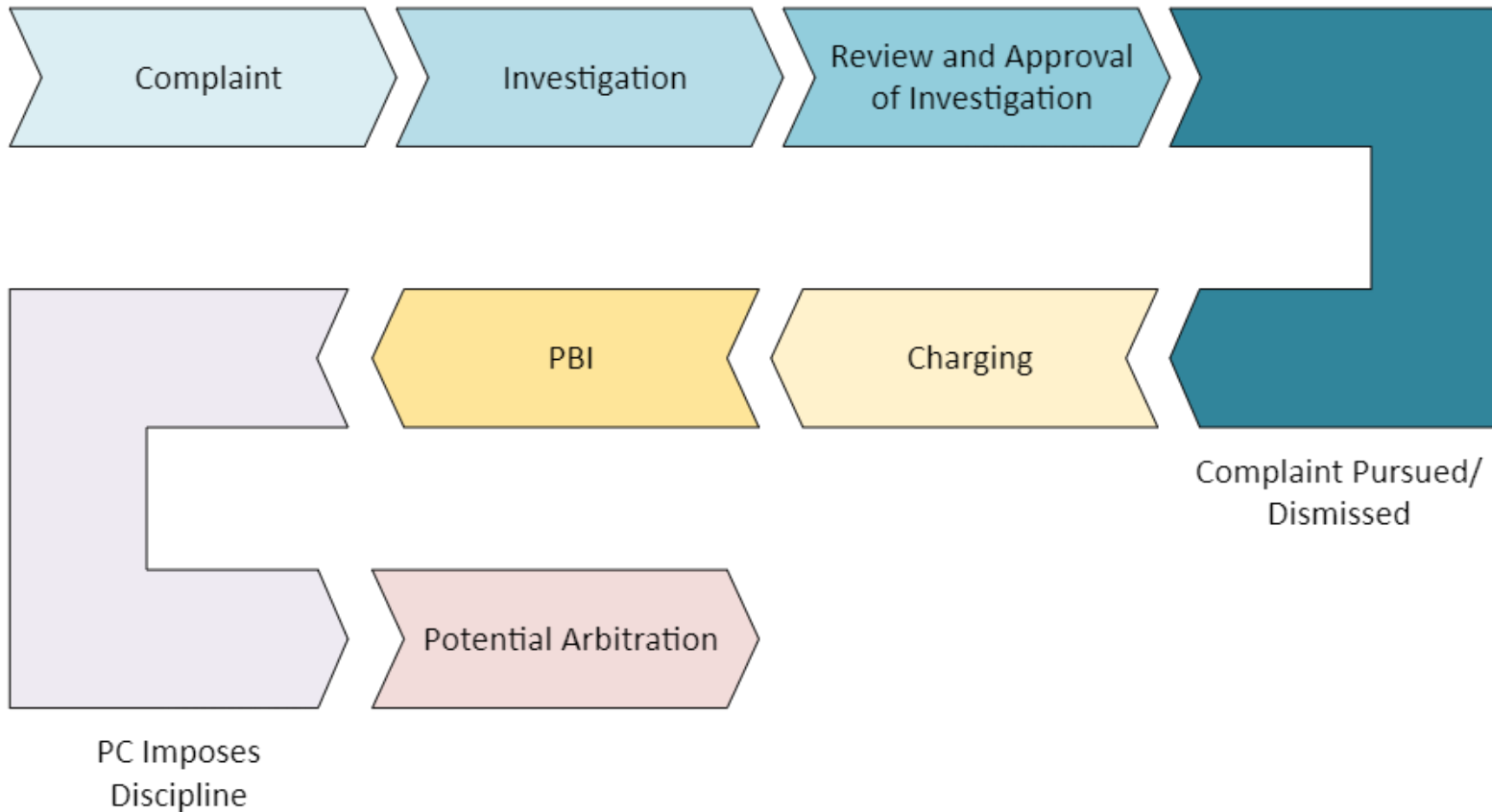
Investigation Unit: Investigations Explainer



Fair and reliable outcomes depend on thorough and timely investigations.

Investigations cannot exist in a vacuum.

Investigation Unit: Investigations Explainer




Investigations require access to relevant materials and witnesses: BWC footage, photographs, witness statements, officer statements, documents, etc.

Investigations must fit within a disciplinary structure to serve their purpose.



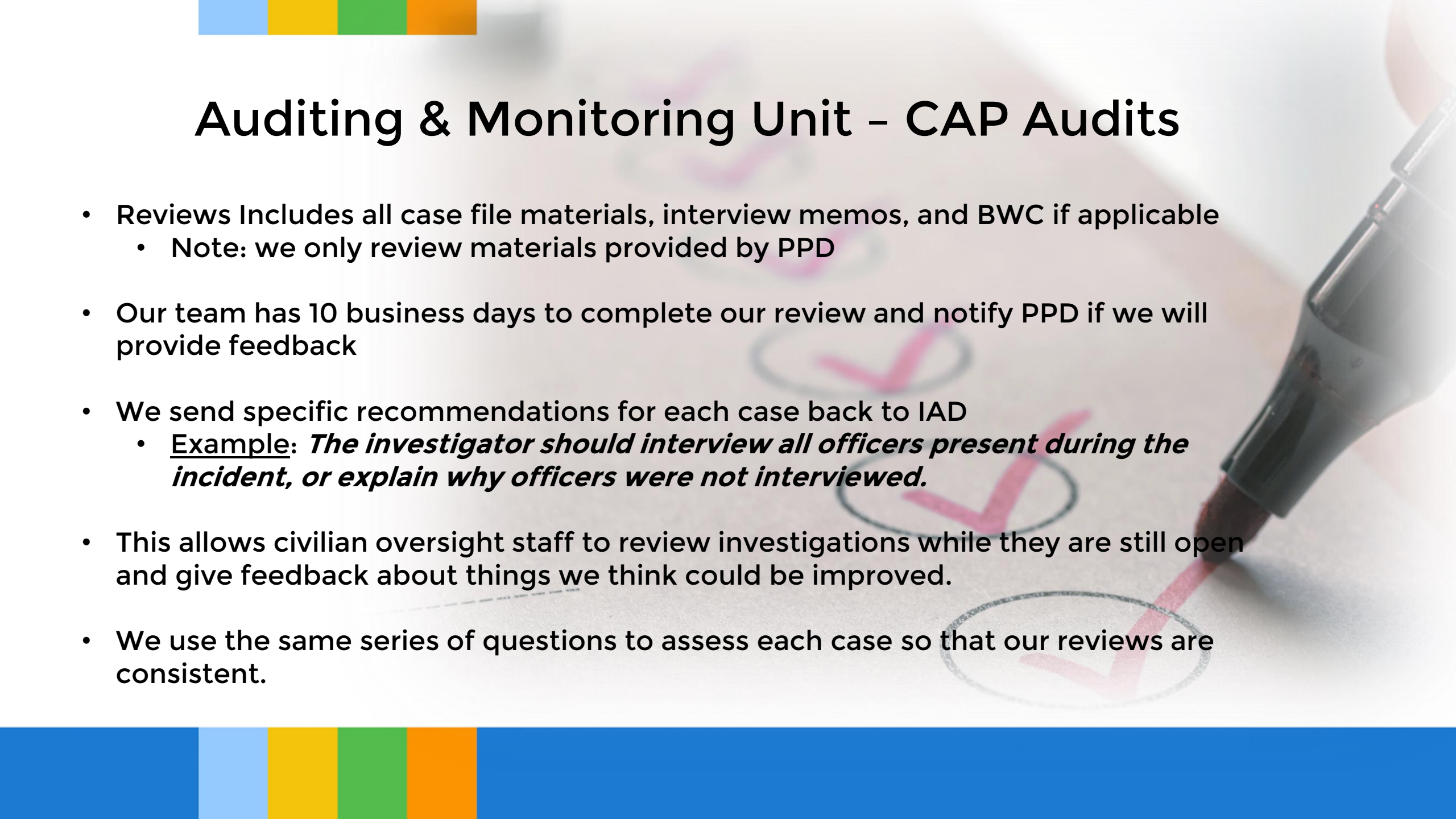
Investigation Unit: Investigations Explainer

Obstacles to CPOC-led investigations:

- Potential legal issues
 - CPOC’s legislation authorizes it to conduct independent investigations.
 - The City’s contract with the FOP provides that PPD **“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.”**
 - Upcoming bargaining session for new contract between City and FOP.
 - Access to relevant materials.
 - Resources—the Investigations Unit has a staff of two.
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Auditing & Monitoring Unit – CAP Audits

- Reviews Includes all case file materials, interview memos, and BWC if applicable
 - Note: we only review materials provided by PPD
 - Our team has 10 business days to complete our review and notify PPD if we will provide feedback
 - We send specific recommendations for each case back to IAD
 - Example: ***The investigator should interview all officers present during the incident, or explain why officers were not interviewed.***
 - This allows civilian oversight staff to review investigations while they are still open and give feedback about things we think could be improved.
 - We use the same series of questions to assess each case so that our reviews are consistent.
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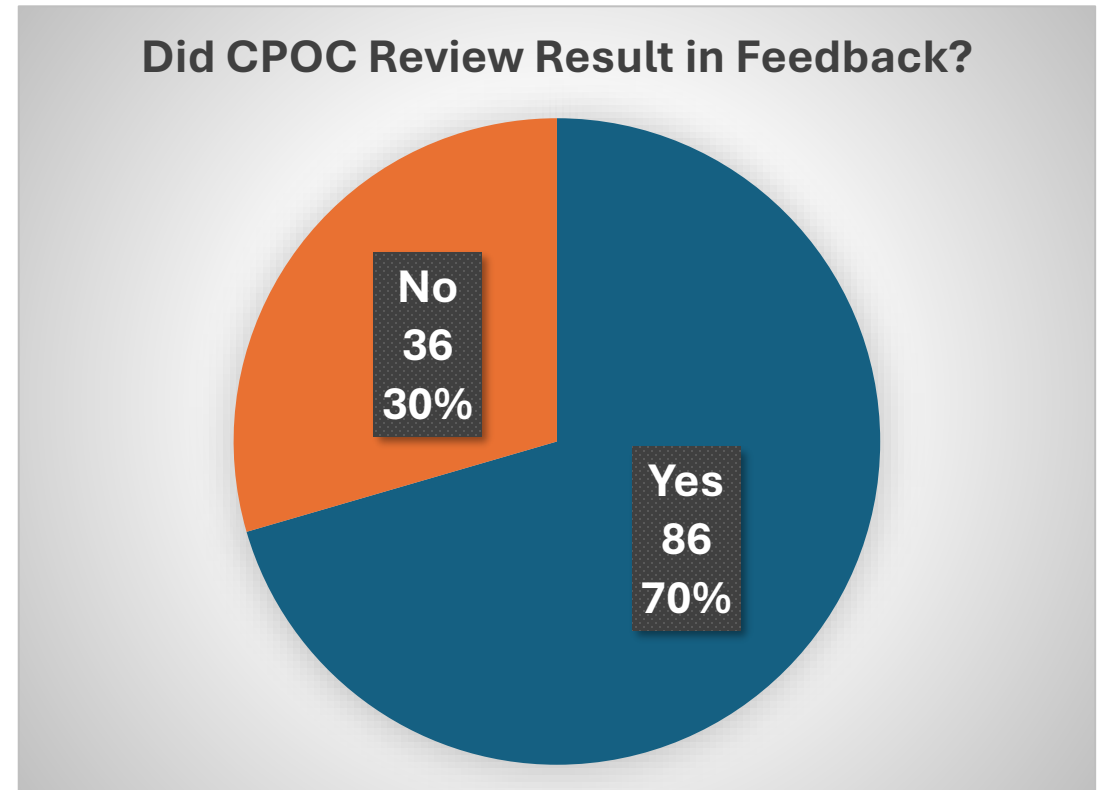
Auditing & Monitoring Unit – 122 audits – Results so far


- These slides are a compilation of *initial* analysis of high-level data points related to the audits completed over a 4-month period.
 - More analysis is yet to be done - as we are still receiving responses from PPD on these cases, so our dataset is not complete.
 - Important note: we are not currently receiving new cases. This will resume hopefully soon.
 - We received 148 cases – could not review all due to time constraints (reviewed 82%)
 - We completed 122 audits between 7/2/24 and 11/6/24.
 - 24 divisional cases – low level cases, officers with no relevant history
 - 98 full IAD investigations
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Auditing & Monitoring Unit – 122 audits – Results so far

- Of the 122 case we reviewed, we had feedback for 86 (70%) and drafted memos for all of them
- We made 229 individual recommendations
- This shows that we typically have multiple recommendations for a case.

The next slides include some of the most common recommendations we made.






Auditing & Monitoring Unit - 122 audits - Recommendations

- 58 recommendations to add missing allegations/violations
 - Ensures investigators thoroughly address all points raised by the complainant, but also any other misconduct present.
 - Misconduct should be addressed, no matter how IAD learns about it.
 - (more on next slide)
- 40 recommendations to contact all witnesses
 - Sometimes multiple attempts are made, sometimes no attempts are made.
 - Not all available contact methods used
 - Witness statements are very important for fact finding
 - Each case should receive the same effort related to witness contacts - not set policy


Add missing allegations/ admin violation	58
Contact all witnesses/ make all attempts	40
Adjust analysis/findings to match evidence	30
List allegations against correct officers	15
Classification issue	14
Inaccurate summaries of BWC/other footage, interviews, other info	12



Auditing & Monitoring Unit – 122 audits

- **Missing Allegations:** Auditors look for allegations raised by the complainant as well as other administrative violations
- Often more than one is missing (made this rec in 58 cases, but over 100 total missing allegations)
- BWC is a great example – complainants may not know if officers have them activated, but they are critical to accountability and should always be on when required.


Most Common Missing Allegations	Count
Departmental Violation-Ppd Directives Violation (See Ppd#)	23
Departmental Violation-Failure To Activate Bwc	17
Unprofessional Conduct-Rude/Dismissive Behavior	12
Verbal Abuse-Intimidating/Threatening Language	9
Departmental Violation-Refusal To Provide Badge Or Name	7
Lack Of Service-Failure To Prepare/Accurately Complete Report	7
Lack Of Service-Failure To Provide Service/Take Police Action	4
Physical Abuse-Threatened With Firearm	3
Other Misconduct-Unspecified	3
Lack Of Service-Delayed Response	3
Lack Of Service-Failure To Investigate/Accurately Complete Investigation	3
Departmental Violation-Improper Search/Seizure	3
Departmental Violation-Damaged Property Private	3
Physical Abuse-Threatened With Taser/Ced/Ecw	2
Lack Of Service-Failed Impartiality	2
Harassment-By Authority	2
Departmental Violation-Improper Stop/Detention	2



Auditing & Monitoring Unit - 122 audits - Recommendations

- 30 recommendations to adjust findings/analysis to match the evidence
 - We try to ensure that findings are logical based on all information in the case file
 - Ensuring accurate findings is fair to complainants and officers
- 15 recommendations to list allegations against correct officers
 - When evidence shows which officer is responsible for which action, the investigator should only list the proper officers.
 - Holding additional officers accountable is unfair
 - Trusting the investigation is thorough start to finish is critical


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Auditing & Monitoring Unit - 122 audits - Recommendations

- 14 recommendations related to how complaints were classified when they were first filed
 - The classification determines how a complaint is handled so is very important
 - It can't always be changed after the fact but we want to notify them that we are concerned
- 12 recommendations related to inaccurate summaries of BWC or other footage, interviews
 - Characterization of behavior of complainants vs. officers - objectivity
 - Issue of taking care to use correct pronouns throughout a case file

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Auditing & Monitoring Unit – 122 audits – Results so far

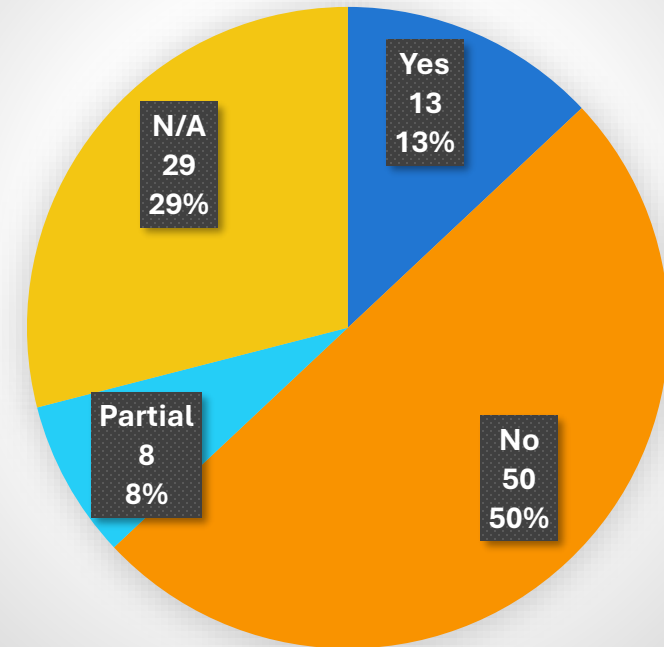
As of 11/8/24, we have received responses for 51 cases.

We are catching up on logging them. We have logged 36 responses and so far:

- 50% of recommendations have been rejected
- Only 13% accepted (21% counting recommendations partially accepted)
- N/A - “complete” cases - we flagged issues but the cases were technically closed by the time we did our review.

Some commonsense recommendations have been rejected, figuring out how to address when we disagree

Were CPOC Recommendations Accepted?






Auditing & Monitoring Unit – 122 audits – Results so far

Data we would like to dive into as time goes on:

- Are certain recommendations more likely to be accepted?
- Has the number of recommendations changed over time?
- Do certain types of cases have more feedback from CPOC?
 - Stop and frisk cases


Audits are a rich source of data, so using our case management system to pull this info and run some analysis could be very fruitful.



Note: this process is only for CAPs. There are many “internal” investigations that CPOC never sees. The hope is that encouraging consistency in CAPs can bring more consistency across the board.






Discussion: Obstacles in Civilian Police Oversight

- On April 27, 2021, the Washington Post featured an article entitled: *“When communities try to hold police accountable, law enforcement fights back: Civilian oversight is undermined by politicians and police, who contend citizens are ill-equipped to judge officers”*
 - The article looked at several cities and their problems with civilian police oversight.
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- At the time of the article more than 160 municipalities and counties had implemented some form of civilian oversight:
 - Review boards
 - Inspector general
 - Independent monitors
 - Another 130 localities were trying to implement some type of civilian oversight.
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Problems:

- A systemic lack of accountability for police misconduct
 - Well-meaning reform attempts that end in failure and frustration
 - Having the authority to recommend disciplinary action that can ultimately be rejected by chiefs and arbitrators
 - Lacking the needed power and resources to be effective
 - Limitations because of strict collective bargaining agreements with police unions and/or laws known as officers' bill of rights
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Law enforcement perspectives:

- Law enforcement perceptions that civilian monitors are well-meaning but ill-equipped to judge police officers. They often argue that civilians lack the expertise and experience of trained law enforcement professionals.

Community perspectives:

- All over the country, police are still doing what they want to do without any redress.

Civilian practitioners' response:

- The pushback by police and a lack of political support for the civilian agencies has prompted many oversight officials to resign in frustration.
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Why Civilian Oversight Is Necessary

- **Protects** human rights
 - **Promotes** constitutional policing
 - **Increases** public confidence and trust in the police
 - **Builds** bridges between law enforcement and the public
 - **Supports** effective policing
 - **Ensures** greater accountability
 - **Enhances** risk management
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