

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 Chapter 21-1200 of The Philadelphia Code, entitled “Police Advisory Board,” is repealed in its entirety and a new Chapter 21-1200 is added as follows: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