

Philadelphia Fact Finding:

Philly Power- group of public defendants and lawyers/interns that were instrumental in writing the legislation on which the new police accountability system is based on.

They are about 1-2 years ahead of us.

Learned from Chicago, New York, Oakland and many other jurisdictions going through similar process.

A: Types of conduct/complaints the new agency will investigate and determine outcomes (bureau complaints vs community complaints)

Their Citizens Police Oversight Commission will receive all complaints- those directed from the bureau as well as from citizens.

- The only complaints that they will not review and fall out of their purview are labor questions/complaints.

A-a: Does the Board review every complaint that gets filed? YES

B: Complaint process: community member vs. internal bureau complaints

- All complaints will go through the same process unless they are related to labor laws (overtime complaints, that kind of thing in the Police Bureau)

B-a: Time limits to file complaints

B-b: Materials given to complainant

- They will have access to all the same information, they will be able to go to the crime scene, to access all files.

B-c: Who can make a complaints

- Anyone, citizens, other police officers, city officials,

C: Mediation options (community member and police officer)

D: Case handling and investigative processes, including work flow description

D-a: Timeline for investigation to be completed

D-b: Hearing process

(this should really be its own category but I already got to "Z" on the list)

E: Subpoena power and access to police records

They have subpoena power written into the law

Police by law have to show up to hearings

E-a: Does the board have access to all the records it needs?

They do, they have subpoena power

E-b: Can the board compel officer testimony, if so how is it accomplished?

They wrote it into the law!

F: Potential findings in misconduct cases

- They only have power to provider recommendations for discipline- the bureau then has to respond whether they are acting on those recommendations, and if not why.

F-a: Standard of review to determine findings

G: Discipline process – due process and just cause requirements

Philadelphia citizens police accountability commission does not have the power to discipline but they do have the power to provide guidance and recommendations, and when the police bureau do not follow those recommendations they have to publicly say why. They can ask for an extension of an extra 15 days as well, if they need to evaluate their response to the recommendations for discipline. But they must communicate publicly why they decided to not follow the recommendations, why they decided to move forward with lesser discipline than recommended.

EVERYTHING ABOUT THEIR ESTABLISHED PROCESS HAS THE GOAL OF MAKING TRANSPARENCY A KEY- THEY BELIEVE TRANSPARENCY IN EVERY STEP OF THE WAY IS THE WAY TO ACHIEVE A SYSTEM THAT THE PUBLIC CAN TRUST.

H: Appeal process – will police and community members be allowed to appeal their cases?

H-a: Standard of review to examine/determine findings in appeal phase

I: Will city council continue to be part of the process?

Their process is separate from City Council

They have formed this Citizen Police Accountability Commission with an Executive Director and full time city staffers that are all paid

The Executive Director will be a pain full time job, with expected experience in law, defense, etc.

They will have city staffers dedicated to support the work.

They will have dedicated separate legal council available

The Board will be composed of volunteer citizens-

- The volunteer board will be chosen- certain number from each designated area of the city- to ensure that all parts of the city are represented (this has been a challenge because they have received multiple applications from one area of the city and very little from other areas, so they have had to pick some board members that were less ideal than other applicants.

They recommend that we look into making these citizen positions elected positions per area of service.

- They will be allowed a small stipend for each meeting and training they are required to attend- it isn't much. But they have full access to the support of the city staffers provided as well as the executive director who is paid.

J: Will all or part of the oversight board be involved in appeals and other case-related decisions?

K: Process for making policy and training recommendations from both community board and agency staff

L: Chief and police commissioner's obligation to respond and follow oversight board's decisions and recommendations

- They wrote into legislation subpoena powers

M: Board membership:

The mayor and the city council will select a panel of five, who will then review all the applications for commissioners.

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.

They will select the commissioners from amongst the applicants- interview, do background checks, etc before then proposing those possible commissioners to the city council who will either approve or reject. They have 90 days to do this.

M-0: In what way are community members involved in the oversight system?

M-1: How many

M-2: Qualifications

M-3: Recruitment, replacement [removal-- see M-10]

M-4: Appointment process

M-5: Representation/Diversity

They separated the city into "neighborhoods" and opted to have a small number of board members from each of those areas of the city.

- It didn't work as well as they wanted to, because there were areas of the city- likely more affected by policing- that had so many more great applicants, but they didn't get the positions, because other areas of the city- that had less interest- got those positions instead.
- They recommended looking into how Oakland has done it- which is via-non-affiliated elections process (non-partisan- which can be difficult to achieve).

M-6: Length of terms – renewable or not

- Four years

M-7: Training requirements

- The requirements are getting set up right now and in the process- will be finding out from the people in charge of this.
- This is what the law says:
- *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*

M-8: Quorum requirements

M-9: Paid or unpaid

- Several paid positions- city staffers and the executive director, board members are volunteers.

M-9a: If paid, how?

M-10: Removal

Removal. Members shall be disqualified from service based on a postappointment 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.

M-11: How does the board break down its time?

- Meet every two weeks
- Review every single complaint

M-12: Rules for vacancies [relates to M-3, M-8 and M-10]

90 days notice

M-13: What officers are there for the board?

N: Transparency and public access: guidelines around open meetings and public participation within limits of personnel regulations

N-a: What happens at meetings (other than hearing cases)?

O: Agency director – qualifications, hiring process, authority, performance reviews

O-a: What other staff does the board have? [also see Q: Independent Legal Counsel]

P: Office location – How/where does it exist to be? free-standing? Where is the bureaucratic structure?

Q: Independent legal counsel- there will be one serving the Executive Director- and the board members can access this legal counsel.

R: Reporting requirements – quarterly and annual reports, required contents, consultation with oversight board, presentation to city council and the public

- The commission will provide an annual report to city council, the Mayor and the public (see page 11-13 of the law)
- There will also be a non-public data base that includes cases still under investigation and a public data base. (see pages 13-23)
- Multiple annual reports from different areas of the city regarding policing will also be mandated.

THE KEY HERE IS THAT IN PHILADELPHIA THEY FEEL THAT ACCOUNTABILITY COMES THROUGH TRANSPARENCY AND THAT DATA MUST BE AVAILABLE TO CITIZENS SO THAT THEY CAN START TRUSTING THE SYSTEM

R-a: What is included in the public reports other than required contents?

- Several reports are written into the law that will increase transparency
- The

S: Public and police bureau member education on the new system

T: Independent expert review of shootings and deaths in custody

U: Inspector General or Police Auditor with full access to Bureau records, trainings, and staff

V: What is the board's budget?

- They recommend writing into legislation that the police accountability commission be allotted a certain % of the budget to the police bureau.
- - NY is 0.065%, Chicago 1-3%, some advocate for as much as 5%.
- LETS go for 5%!

W: How are internal rules made for the Board?

X: What are barriers that you are facing?

Y: If you could add other powers and authorities to your board, what would you like to add?

- Power to discipline
- Maximize the power of the agency by looking at what local state laws have to be changed to maximize that power

- Include people that are interested in actual oversight, do not allow police to take over the board which will decrease it's ability to execute power

Z: Is there anybody else we should talk to?

Pending communications on this.