



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 100875

Introduced December 16, 2010

Councilmembers Jones, Miller and Clarke

**Referred to the
Committee on Public Safety**

AN ORDINANCE

Amending Chapter 21-1200 of The Philadelphia Code, entitled "Police Advisory Board," by providing additional requirements for issuing annual reports and responding to complaints, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 21 of The Philadelphia Code is hereby amended to read as follows:

TITLE 21. MISCELLANEOUS.

* * *

CHAPTER 21-1200. POLICE ADVISORY BOARD.

* * *

§21-1204. Powers and Duties of Board.

* * *

(2) The Board at its discretion may make specific recommendations at anytime, and shall issue a public report summarizing its activities and recommendations not less than once a year to the Mayor and members of City Council, and shall make copies of the report available to the public at the Free Library and at other locations. *This report shall, at a minimum, provide the following information: the number of complaints received for the period covered by the report; a breakdown of the complainants by race,*

City of Philadelphia

BILL NO. 100875 continued

gender, sexual orientation, and age, if known; and the disposition of all complaints, including any complaints that were still active at the close of the previous reporting period. No Board finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the sole basis for any such finding or recommendation.

(3) The Board shall respond to all complaints filed by individuals alleging police misconduct within seven (7) days of receiving any such complaint. Such response shall indicate whether, in the exercise of its discretion, the Board will investigate the allegations made, not investigate them, or request additional information to enable it to make a decision on its options. *Subject to the provisions of Section 21-1209, the Board shall reach its final resolution with respect to each such complaint within ninety (90) days of its receipt, unless the complainant agrees to extend the deadline to a date specified in a written agreement signed by the complainant and an authorized representative of the Board.*

(4) The Board shall establish a mediation program pursuant to which a complainant may voluntarily choose to resolve a complaint by means of informal conciliation. *Subject to the provisions of Section 21-1209, any such mediation shall reach its final resolution within ninety (90) days of the receipt of the complaint, unless the complainant agrees to extend the deadline to a date specified in a written agreement signed by the complainant and an authorized representative of the Board.*

* * *

§ 21-1209. Powers and Duties of the Managing Director and Other Officials.

(1) The Managing Director shall have the power to request information and reports on any existing or proposed investigation conducted by the Board. The Managing Director may at any time, stating the specific and detailed reason(s) in writing to the Board and to any complainant(s), witness(es), and police officers directly involved in the complaint, terminate, circumscribe or otherwise limit or prohibit, the Board's discretion in conducting any particular investigation or in utilizing any particular power of the Office of Managing Director in such investigation. In the absence of any such directive, it shall be presumed that the Managing Director authorizes all steps taken by the Board in the course of its investigation and hearings.

(2) Upon formal written notification and specific request to the Board, in interests of justice, from any court of competent jurisdiction, a federal or state grand jury, district attorney, or other authorized officer, agency or body, the Board, in such circumstances as they may be simultaneous actions by the Board and such other investigatory agencies or bodies, shall consider suspending such specific aspects of its

City of Philadelphia

BILL NO. 100875 continued

investigation until such time as the criminal investigation of such specific aspects by the requesting agency or body has been concluded. The Board, in evaluating such request, should examine the specific and good faith nature of the request, the issue of the need for timeliness of the investigation, the interests of justice and other factors it may deem appropriate. As a condition of such suspension request, the requesting agency or body shall inform the Board regularly, and not less than monthly, of the status of its investigation and notify the Board at the conclusion of such investigation; provided, however, that in the event of a grand jury proceeding, all Federal or State Grand Jury Secrecy Rules shall apply. Nothing in this Chapter shall be construed to prevent or hinder the investigation or prosecution of any individual or any member of the Police Department for violations of law by any such agency or body.

* * *

SECTION 2. This Ordinance shall take effect immediately.

Explanation:

Italics indicate new matter added.

City of Philadelphia

BILL NO. 100875 continued