

# City of Philadelphia



Council of the City of Philadelphia  
Office of the Chief Clerk  
Room 402, City Hall  
Philadelphia

(Resolution No. 140035)

## RESOLUTION

Proposing an amendment to The Philadelphia Home Rule Charter to create the Department of Prisons, to transfer the functions of certain City agencies with respect to penal, reformatory and correctional institutions to a newly-created Department of Prisons and Board of Trustees of Philadelphia Prisons, and to provide for additional duties of the Department, and providing for the submission of the amendment to the electors of Philadelphia.

WHEREAS, Under Section 6 of the First Class City Home Rule Act (Act of April 21, 1949, P.L. 665, § 6, 53 P.S. § 13106), an amendment to The Philadelphia Home Rule Charter may be proposed by a resolution of the Council of the City of Philadelphia adopted with the concurrence of two-thirds of its elected members; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the following amendment to The Philadelphia Home Rule Charter is hereby proposed and shall be submitted to the electors of the City on an election date designated by ordinance.

### **Note:**

*Italics* indicates matter added by this amendment.

~~Strikethrough~~ indicates matter deleted by this amendment.

## ARTICLE III

### EXECUTIVE AND ADMINISTRATIVE BRANCH – ORGANIZATION

#### CHAPTER 1

#### OFFICERS, DEPARTMENTS, BOARDS, COMMISSIONS AND OTHER AGENCIES

§ 3-100. Executive and Administrative Officers, Departments, Boards, Commissions and Agencies Designated.

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The executive and administrative work of the City shall be performed by:

\* \* \*

(d) The following departments which are hereby created:

\* \* \*

~~Procurement Department.~~ *Department;*  
*Department of Prisons.*

\* \* \*

(f) The following departmental boards and commissions, which are either created or placed, as the case may be, in the respective departments, as follows:

\* \* \*

In the Department of Public Welfare:  
~~Board of Trustees of House of Correction;~~

\* \* \*

*In the Department of Prisons:*  
*Board of Trustees of Philadelphia Prisons*

\* \* \*

## § 3-101. Department Heads.

Each department shall have as its head an officer who either personally or by deputy or by a duly authorized agent or employee of the department, and subject at all times to the provisions of this charter, shall exercise the powers and perform the duties vested in and imposed upon the department.

The following officers shall be the heads of the departments following their respective titles:

\* \* \*

Procurement Commissioner, of the Procurement ~~Department.~~ *Department;*  
*Prisons Commissioner, of the Department of Prisons.*

\* \* \*

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## CHAPTER 2 ELECTION OR APPOINTMENT

\* \* \*

§ 3-206. Other Department Heads.

With the approval of the Mayor:

(a) The Managing Director shall appoint the Police Commissioner, the Health Commissioner, the Fire Commissioner, the Street Commissioner, the Parks and Recreation Commissioner, the Welfare Commissioner, the Water Commissioner, the Commissioner of Public Property, the Commissioner of Licenses and Inspections, ~~and the Commissioner of Records;~~ *Records, and the Prisons Commissioner;*

\* \* \*

## CHAPTER 6 COMPENSATION

§ 3-600. The Mayor and Other Officers.

Until the Council shall otherwise ordain, annual salaries shall be payable in equal semi-monthly installments as follows:

\* \* \*

Director of Commerce, ~~\$150,000.~~ *\$150,000;*  
*Prisons Commissioner, \$150,000.*

\* \* \*

## CHAPTER 9 DEPARTMENTAL BOARDS AND COMMISSIONS

\* \* \*

§ 3-903. Boards of Trustees of City Institutions.

The board of trustees of each of the City institutions listed in this section shall be composed of six members appointed on a non-political basis, and the head of the Department with which it is connected.

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This section shall apply to:

Board of Trustees of Philadelphia General Hospital  
Board of Trustees of Philadelphia Hospital for Contagious Diseases  
~~Board of Trustees of House of Correction~~

\* \* \*

§ 3-916. ~~Reserved.~~ Board of Trustees of Philadelphia Prisons.

*The Board of Trustees of Philadelphia Prisons shall be composed of six appointed members and the Prisons Commissioner.*

\* \* \*

## ARTICLE V

EXECUTIVE AND ADMINISTRATIVE BRANCH – POWERS AND DUTIES  
Managing Director and Departments, Boards and Commissions under his Supervision

### CHAPTER 1 MANAGING DIRECTOR

\* \* \*

§ 5-102. Meetings with Certain Department Heads.

The Managing Director shall call together periodically the Police Commissioner, the Health Commissioner, the Fire Commissioner, the Street Commissioner, the Parks and Recreation Commissioner, the Welfare Commissioner, the Water Commissioner, the Commissioner of Public Property, the Commissioner of Licenses and ~~Inspections and Inspections~~, the Commissioner of ~~Records~~. *Records and the Prisons Commissioner.* ~~He~~ *The Managing Director* may invite to these meetings any other officers of the City government.

\* \* \*

### CHAPTER 7 DEPARTMENT OF PUBLIC WELFARE AND ITS DEPARTMENTAL BOARDS

§ 5-700. Functions.

The Department of Public Welfare shall have the power and its duty shall be to perform the following functions:

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\* \* \*

(c) City Welfare Institutions. The Department shall have general supervision over all City ~~penal, reformatory and correctional institutions~~, homes for the indigent and other welfare institutions now or hereafter owned or operated by the ~~City~~. *City, except as set forth in Chapter 12.* It shall determine the capacity of *such* City institutions and determine and designate the type of persons and the proportion of each type to be received therein. The Department shall recommend and bring to the attention of the officers and boards of trustees of City institutions standards and methods helpful in the government and administration of such institutions and for the betterment of the condition of their inhabitants.

~~(d) Inmate Labor. The Department shall:~~

~~(1) Establish and arrange for the maintenance of industries and where feasible farms in or in connection with City penal, reformatory or correctional institutions for the compensable employment of all physically capable persons sentenced to such institutions;~~

~~(2) Arrange for the compensable employment of inmates of City penal, reformatory or correctional institutions at such work or labor within or upon the grounds of any City institution as may be necessary for its maintenance;~~

~~(3) Transfer to the City or other public agencies, by sale or otherwise, articles manufactured or produced in any City penal, reformatory or correctional institution which cannot be used therein;~~

~~(4) Require each City penal, reformatory or correctional institution to keep proper records of the labor performed by its inmates, of the compensation paid to them, of the articles manufactured or produced therein, and of their disposition.~~

§ 5-701. Boards of Trustees of Welfare Institutions.

The board of trustees of each City institution within the Department of Public Welfare shall have direction and control of the management of such institution. Each board shall select a superintendent ~~or warden~~ of the institution, who shall, subject to the authority of the board, administer the institution in all its departments. On nomination by the superintendent ~~or warden~~, each such board shall from time to time, appoint such assistants and employees as may be necessary.

The foregoing powers shall be exercised by the respective boards of trustees in the management of the following institutions:

~~House of Correction~~

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Home for the Indigent

\* \* \*

## CHAPTER 12 DEPARTMENT OF PRISONS

### §5-1200. Functions.

*The Department of Prisons shall have the power and its duty shall be to perform the following functions:*

(a) *City Prisons. The Department shall have general supervision over, and direction and control of the management of, all City correctional facilities now or hereafter owned or operated by the City. The Department shall study and implement standards and methods for the government and administration of correctional facilities and the betterment of their inmates.*

(b) *Inmate Labor. The Department shall:*

(1) *Establish and arrange for the maintenance of industries and, where feasible, farms, in or in connection with City correctional facilities for the compensable employment of all physically capable persons sentenced to such institutions;*

(2) *Arrange for the compensable employment of inmates of City correctional facilities at such work or labor within or upon the grounds of any City institution as may be necessary for its maintenance;*

(3) *Transfer to the City or other public agencies, by sale or otherwise, articles manufactured or produced in any City correctional facility which cannot be used therein;*

(4) *Require each City correctional facility to keep proper records of the labor performed by its inmates, of the compensation paid to them, of the articles manufactured or produced therein, and of their disposition.*

(c) *Re-entry of Returning Citizens. The Department shall maintain a program for facilitating the reintegration of individuals returning from incarceration.*

(d) *The Department of Prisons shall exercise all the powers and perform all the duties previously exercised and performed by the Board of Trustees of the House of Correction and, with respect to penal, reformatory and correctional institutions, the Department of Public Welfare.*

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## §5-1201. Board of Trustees of Philadelphia Prisons

*The Board of Trustees of Philadelphia Prisons, after receiving public comment, shall from time to time adopt standards and guidelines relating to City correctional institutions, including standards and guidelines relating to the creation and maintenance of a secure and humane correctional environment; the rehabilitation and training of inmates; and the preparation of inmates for reentry into society. The Commissioner of Prisons and all other City officials shall consider the standards and guidelines adopted by the Board of Trustees of Philadelphia Prisons when taking or considering any official action relating to the City's correctional facilities. This paragraph shall not confer any rights upon any individual.*

\* \* \*

### APPENDIX

\* \* \*

### CHAPTER A-2

#### § A-200. Schedule.

This charter shall become effective on the first Monday of January, 1952, except in the following particulars:

\* \* \*

(9) *The amendments to the Charter related to the Department of Prisons and the Prisons Commissioner shall be effective July 1, 2015, provided that, until such time as the Mayor shall make the initial appointments to the Board of Trustees of Philadelphia Prisons provided for in Section 3-917 of this Charter, the appointed members of the former Board of Trustees of House of Correction, in service at the time of the adoption of the amendment adding this subsection to the Charter, shall serve as appointed members of the Board of Trustees of Philadelphia Prisons.*

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the eighth day of May, 2014.

Darrell L. Clarke  
PRESIDENT OF THE COUNCIL

Michael A. Decker  
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Jones

Sponsored by: Councilmember Jones