



City of Philadelphia

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

RESOLUTION NO. 110163

Introduced March 3, 2011

Councilmember Miller

**Referred to the
Committee on Law and Government**

RESOLUTION

Proposing an amendment to the Philadelphia Home Rule Charter to provide for the creation, appointment, powers and duties of a Police Advisory Commission; to provide for concomitant duties in other officers and agencies; 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 (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

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:

~~Strikethrough~~ indicates matter deleted by these amendments.
Bold italics indicates matter added by these amendments.

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:

* * *

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

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In the Department of Collections:
Tax Review Board;
Sinking Fund Commission.
***In the Office of the Managing Director:
Police Advisory Commission.***

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CHAPTER 9 DEPARTMENTAL BOARDS AND COMMISSIONS

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§3-908. ~~Reserved~~ ***Police Advisory Commission.***

The members and alternate members of the Police Advisory Commission appointed by the Mayor in 2010 pursuant to Executive Order No. 8-93 shall serve as the initial Police Advisory Commission created by Section 3-100(f). Their terms shall expire, and the Commission shall thereafter be constituted and its members appointed, as provided by Council by ordinance.

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ARTICLE V EXECUTIVE AND ADMINISTRATIVE BRANCH -- POWERS AND DUTIES

Managing Director and Departments, Boards and Commissions under his Supervision

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CHAPTER 12 POLICE ADVISORY COMMISSION

§5-1200. Powers and Duties

(a) *The Police Advisory Commission shall serve an advisory role as the official civilian oversight agency for the Philadelphia Police Department. To fulfill that role, it shall advise the Managing Director and Police Commissioner on policies and actions of the Police Department with the purpose of improving the ability of police personnel to carry out their duties and improving the relationship between the Police Department and the community.*

(b) *The Commission shall have the power to recommend that the Managing Director and Police Commissioner implement general reforms or take specific actions directed at individual officers; provided, however that the Managing Director and Police Commissioner shall retain full authority, discretion, and responsibility to set disciplinary policies or take other actions they deem appropriate under the provisions of this charter and any applicable law, regulation, or collective bargaining agreement.*

(c) *The Commission shall have the power to hold hearings and conduct investigations, including the power pursuant to Section 8-409 to issue subpoenas to compel the attendance of persons and the production of documents.*

(d) *The Commission shall, subject to the availability of appropriations, appoint and fix the compensation of an executive director and such other staff or consultants as may be required for the proper conduct of its work. The number and compensation of such employees and consultants shall not be subject to the approval of any other officer.*

§5-1201. Duties of Police Commissioner, other Officers, and Employees.

(a) *It shall be the duty of the Police Commissioner, Police Department, and all other officers and employees subject to this charter to provide such assistance as the Commission may reasonably request, to cooperate fully with studies undertaken by the Commission, and to provide to the Commission upon request records and other materials which are necessary to the Commission's work. Any such officers and employees, on request by the Commission, must agree to meet with and be interviewed by, the Commission or its representatives, and to testify before the Commission; provided, however, that any person who is designated the subject of a related criminal investigation by a local law enforcement agency may elect not to appear until the conclusion of that investigation.*

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(b) It shall be the duty of the Police Commissioner to respond within a reasonable period of time to proposed findings or recommendations submitted by the Commission.

§5-1202. Protection of Rights.

(a) Nothing in this chapter shall be construed to limit the rights of officers or members of the Police Department with respect to disciplinary action, including but not limited to the right to notice and a hearing, which may be established by any provision of law, by any collective bargaining agreement, or otherwise.

§5-1203. Powers of Council

(a) Council may from time to time specify by ordinance the manner in which the Commission and other officers, employees, and agencies shall fulfill their respective responsibilities under this chapter.

(b) Council may from time to time by ordinance confer on the Commission and other officers, employees, and agencies subject to this charter additional powers and duties Council believes will assist in carrying out the purpose of this chapter, provided Council shall not have power to confer any powers and duties on the Commission inconsistent with the Commission's status as solely an advisory body.

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