



RESOLUTION NO. 220642

Introduced June 23, 2022

Councilmember Gym

RESOLUTION

Proposing an amendment to The Philadelphia Home Rule Charter to provide for the creation of an independent Prison Oversight Board, and to provide for the composition, powers, and duties of the Board; 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, 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:

Bold indicates matter added to the Charter by these amendments.

~~Strikethrough~~ indicates matter deleted from the Charter by these amendments.

ARTICLE II - LEGISLATIVE BRANCH
The Council – Its Election, Organization, Powers and Duties

* * *

CHAPTER 3
LEGISLATION

§ 2-300. The Annual Operating Budget Ordinance.

* * *

(4) In every annual operating budget ordinance:

City of Philadelphia

RESOLUTION NO. 220642 continued

* * *

(h) An amount equal to at least one-half of one percent (0.5%) of the annual operating budget for the Department of Prisons shall be appropriated to the Prison Oversight Board.

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.

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

* * *

(e) The following independent boards and commissions, which, except for the Board of Trustees of the Free Library of Philadelphia, are hereby created:

* * *

In the Department of Collections:

Tax Review Board;
Sinking Fund Commission.

~~In the Department of Prisons:~~

~~Board of Trustees of Philadelphia Prisons.~~

* * *

CHAPTER 8

INDEPENDENT BOARDS AND COMMISSIONS

* * *

§3-814. Prison Oversight Board.

(a) The Prison Oversight Board shall be constituted as determined by ordinance. Council shall by ordinance enacted from time to time determine:

(1) The number of members of the Prison Oversight Board, the manner in which the members are selected, criteria for eligibility, which may include residency requirements, and term of service.

(2) The compensation of members, if any.

City of Philadelphia

RESOLUTION NO. 220642 continued

* * *

CHAPTER 9 DEPARTMENTAL BOARDS AND COMMISSIONS

* * *

~~§3-916. Board of Trustees of Philadelphia Prisons. The Board of Trustees of Philadelphia Prisons shall be composed of six appointed members and the Prisons Commissioner. Reserved.~~

* * *

ARTICLE IV EXECUTIVE AND ADMINISTRATIVE BRANCH – POWERS AND DUTIES The Mayor, The City Representative and Departments, Boards, Commissions and Offices under the Mayor

* * *

CHAPTER 26 PRISON OVERSIGHT BOARD

§4-2601. Mission.

The mission of the Prison Oversight Board is to provide independent oversight to promote the safety, security, and dignity of incarcerated people and corrections officers in Philadelphia’s prisons through regular and systemic review and investigation of conduct, policies, and practices of the Philadelphia Department of Prisons; to improve communication between the community and the Department; and to increase the transparency and accountability of the Department.

§4-2602. Powers and Duties.

(a) Council shall establish the powers and duties of the Board by ordinance consistent with its mission. Such powers and duties shall include full investigatory powers under the Charter, including the power to subpoena testimony and records to the extent legally permissible; confidential access to Department of Prisons facilities, employees and incarcerated people; and the power to retain its own legal counsel, as needed.

City of Philadelphia

RESOLUTION NO. 220642 continued

- (b) The Board shall, subject to the availability of appropriations, appoint and fix the compensation of an executive director, who shall appoint such other staff, as may be required for the proper conduct of its work.

* * *

ARTICLE IV

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

* * *

CHAPTER 12 DEPARTMENT OF PRISONS

* * *

~~§ 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. Reserved.~~

* * *

APPENDIX

* * *

CHAPTER A-2

§ A-200. Schedule.

* * *

- (22) The amendments to this Charter related to the Prison Oversight Board shall take effect upon certification of the election at which the amendments were approved.