



City of Philadelphia

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

RESOLUTION NO. 140665

Introduced September 11, 2014

Councilmember Jones

Referred to the Committee on
Law and Government

RESOLUTION

Proposing an amendment to the Philadelphia Home Rule Charter to provide for the creation, funding, appointment, powers and duties of an independent Police Advisory Commission as the citizen oversight agency for the Philadelphia Police Department; and providing for submission of the proposed 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 II – LEGISLATIVE BRANCH – THE COUNCIL ITS ELECTION,
ORGANIZATION, POWERS AND DUTIES
CHAPTER 3
LEGISLATION

§2-300. The Annual Operating Budget Ordinance.

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(4) In every annual operating budget ordinance:

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(f) For the first two fiscal years immediately following the effective date of this subsection, at least \$1,000,000; and for all subsequent fiscal years, an amount adequate to enable the Board to perform the functions assigned to it by this charter, shall be appropriated for the work of the Police Advisory Commission. Should the Council fail to make an adequate appropriation to the Board of Ethics, the Board may petition any court of Common Pleas of Philadelphia County for a mandamus to the Council to perform its duty under this section.

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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:

City Planning Commission;
Commission on Human Relations;
Board of Trustees of the Free Library of Philadelphia;
Board of Pensions and Retirement;
Civil Service Commission;
Philadelphia Tax Reform Commission and its Advisory Committee;
Board of Ethics;
Youth Commission;
Zoning Code Commission;
Jobs Commission; and
Police Advisory Commission.

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CHAPTER 8

INDEPENDENT BOARDS AND COMMISSIONS

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§3-810. Police Advisory Commission. *The members of the Police Advisory Commission appointed by the Mayor in 2014 pursuant to Executive Order No. 8-93 shall serve as the initial Police Advisory Commission created by Section 3-100(e). Their terms shall expire and the Commission shall be reconstituted with the appointment members, as provided by Council by ordinance.*

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ARTICLE IV – EXECUTIVE AND ADMINISTRATIVE BRANCH – POWERS AND DUTIES

THE MAYOR, THE CITY REPRESENTATIVE AND DEPARTMENTS, BOARDS AND COMMISSIONS UNDER THE MAYOR

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CHAPTER 17

POLICE ADVISORY COMMISSION

§4-1700. Powers and Duties.

(a) *The Police Advisory Commission shall serve as the official citizen oversight agency for the Philadelphia Police Department by advising the Mayor, City Council and the Police Commissioner on policies and recommendations to improve the ability of police personnel to carry out their duties and to improve the relationship between the Police Department and the community. To fulfill its role, the Commission shall review all citizen complaints, incident reports, policies, procedures and actions of the Police Department.*

(b) *The Commission shall make recommendations relating to the implementation of general reforms and specific actions directed at individual officers; provided, however that the Police Commissioner shall retain full authority, discretion, and responsibility to set disciplinary policies or take other actions deemed appropriate under the provisions of this Charter and any applicable law, regulation, or collective bargaining agreement.*

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

(d) *The Commission shall 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 duties. The number and compensation of such employees and consultants shall not be subject to the approval of any other officer.*

§4-1701. 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 any review and investigation undertaken by the Commission, and to provide to the Commission upon request, records and other materials which are necessary to the Commission's work. Upon request by the Commission, any officer and any employee shall 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.*

(b) *It shall be the duty of the Police Commissioner to respond in writing to findings and recommendations submitted by the Commission.*

§4-1702. 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.*

§4-1703. 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*

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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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