



City of Philadelphia

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

RESOLUTION NO. 080104

Introduced January 31, 2008

Councilmembers DiCicco and Green

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

RESOLUTION

Proposing an amendment to the Philadelphia Home Rule Charter to create an independent Police Advisory Commission and provide for its funding, and to empower Council to provide by ordinance for the appointment, powers and duties of such Commission, and providing for the submission of the proposed amendment to the qualified electors of the City 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 qualified electors of the City of Philadelphia on an election date designated by ordinance:

ARTICLE II – LEGISLATIVE BRANCH

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CHAPTER 3 LEGISLATION

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§2-300. The Annual Operating Budget Ordinance.

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(4) In every annual operating budget ordinance:

* * *

(f) *The amount appropriated to the Police Advisory Commission shall be adequate to enable the Commission to perform its powers and duties. Should the Council fail to make an adequate appropriation to the Police Advisory Commission, the Commission 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

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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:

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Zoning Code Commission[.]; and
Police Advisory Commission.

* * *

CHAPTER 8

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INDEPENDENT BOARDS AND COMMISSIONS

* * *

§3-807. *Police Advisory Commission.*

(a) *Council shall have the power by ordinance to provide for the appointment, powers and duties of an independent Police Advisory Commission (“Commission”).*

(b) *The powers and duties which Council shall assign to the Commission shall include, but are not limited to, the following:*

(1) *Advising the Managing Director and the 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.*

(2) *Reviewing the performance of the Police Department in individual incidents, whether in response to complaints filed by individuals or otherwise.*

(3) *Conducting hearings and investigations into actions of the Police Department, with full access to interview Police Department personnel and to review relevant documents, and with the power to issue subpoenas to the full extent authorized by §8-409.*

(4) *Retaining its own legal counsel, either as employees or by contract.*

(c) *All employees within the Executive and Administrative branch shall fully cooperate with the Commission by promptly producing any documents and any other information that the Commission may request, and by making themselves available, on request of the Commission, to meet with and be interviewed by the Commission or its representatives, and to testify before the Commission.*

(d) *Council shall by ordinance provide for the confidentiality of documents obtained by the Commission, of the information those documents contain, and of the findings of the Commission.*

(e) *Council shall by ordinance require the Managing Director, Police Commissioner or other officials in the Executive and Administrative branch to respond in writing to recommendations of the Commission.*

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