

Legislation Details (With Text)

File #: 200377 **Version:** 1 **Name:**

Type: Resolution **Status:** ADOPTED

File created: 6/11/2020 **In control:** Committee on Law and Government

On agenda: **Final action:** 6/25/2020

Title: Proposing an amendment to the Philadelphia Home Rule Charter to provide for the creation of a Citizens Police Oversight Commission, and to authorize City Council by ordinance to determine the composition, powers, and duties of the Commission; and providing for the submission of the amendment to the electors of Philadelphia.

Sponsors: Councilmember Jones, Council President Clarke, Councilmember Quiñones Sánchez, Councilmember Parker, Councilmember Squilla, Councilmember Domb, Councilmember Johnson, Councilmember Gauthier, Councilmember Gilmore Richardson, Councilmember Green

Indexes: PHILADELPHIA HOME RULE CHARTER

Code sections:

Attachments: 1. Resolution No. 20037701, As Amended.pdf, 2. Signature20037701

Date	Ver.	Action By	Action	Result	Tally
6/25/2020	1	CITY COUNCIL	ADOPTED	Pass	16:1
6/18/2020	1	CITY COUNCIL	ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING.		
6/17/2020	0	Committee on Law and Government			
6/17/2020	0	Committee on Law and Government			
6/17/2020	0	Committee on Law and Government			
6/17/2020	1	Committee on Law and Government			
6/11/2020	0	CITY COUNCIL	Introduced and Referred		

Proposing an amendment to the Philadelphia Home Rule Charter to provide for the creation of a Citizens Police Oversight Commission, and to authorize City Council by ordinance to determine the composition, powers, and duties of the Commission; 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 italics indicates matter added to the Charter by these amendments.
~~Strikethrough~~ indicates matter deleted from the Charter 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.

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:

* * *

- 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;
- Commission for Women;
- Commission on Universal Pre-Kindergarten; ~~and~~
- Commission on African-American Males; *and*
- Citizens Police Oversight Commission.*

* * *

CHAPTER 8
INDEPENDENT BOARDS AND COMMISSIONS

* * *

§3-813. *Citizens Police Oversight Commission.*

The Citizens Police Oversight Commission shall be constituted in accordance with ordinances enacted by Council pursuant to Section 4-2301.

* * *

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

* * *

CHAPTER 23
CITIZENS POLICE OVERSIGHT COMMISSION

§4-2300. Mission. *The mission of the Citizens Police Oversight Commission shall be to review and improve police officer conduct, to help hold the Police Department accountable for officers' actions, to enhance the quality of internal investigations of alleged misconduct, to add transparency to the disciplinary process, to establish a clear process for the submission and consideration of complaints of police misconduct, and to improve communication between the community and the Police Department. The Commission's mission shall be an integral aspect of the administration of criminal justice in the City, acting in support of all criminal justice agencies thereof.*

§4-2301. Composition; Powers and Duties.

The Council shall by ordinance enacted from time to time determine:

(a) The number of members of the Citizens Police Oversight Commission and the manner in which the members are selected, including, but not limited to, criteria for eligibility (which may include residency requirements), designation of the appointing authority or authorities, and term of service.

(b) The compensation of members, if any.

(c) The powers and duties of the Commission, which need not be limited to advisory powers, and the extent to which any such powers, if non-advisory, supersede any powers of the Police Department as set forth in Section 5-200. The powers and duties of the Commission may include the power to subpoena testimony and records to the extent legally permissible; and the power to retain its own legal counsel, either as employees or by contract, for the purpose of carrying out any investigatory, advisory, and other powers and duties consistent with the purpose of this Chapter, as conferred on the Commission by Council.

§4-2303. Funding.

(a) The Citizens Police Oversight Commission shall be deemed to be a successor to the Police Advisory Commission created by Executive Order No. 2-17, and therefore entitled to receive the appropriations required by Section 2-300(4)(f).

§4-2304. Interpretation; Powers and duties of other agencies.

(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.

(b) Council may from time to time confer on 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.

* * *