

A RESOLUTION

Proposing an amendment to The Philadelphia Home Rule Charter providing for the creation of the Office of the Victim Advocate, and providing for the submission of the amendment to the electors of Philadelphia

WHEREAS, In June 2017, the Council of the City of Philadelphia established the Special Committee on Gun Violence Prevention. Councilmember Kenyatta Johnson, the inaugural chair of the Special Committee, in turn established a Subcommittee on Victims and Co-victims; and

WHEREAS, The work of the Subcommittee culminated in a public investigative hearing in February 2020 that included testimony from government officials, providers of victims services, victim advocates, scholars, community members, and other stakeholders; and

WHEREAS, Based on the work of the Subcommittee on Victims and Co-victims, including the February 2020 hearing, the Council of the City of Philadelphia finds that:

- (1) A broad array of government and government-funded agencies that serve victims, as well as co-victims, who are individuals that are substantially and adversely but indirectly affected by acts of violence and other crimes;
- (2) That network of agencies constitutes a substantial pool of resources for victims and co-victims, but there is no single agency with a mandate to undertake coordination and planning for the provision of victim services;
- (3) In addition to service providers, a number of other government and government-funded agencies regularly interact with victims and co-victims, but there is no systematic coordination with service providers or training on trauma-informed practices;
- (4) Victims are not consistently and uniformly notified of their rights and the public generally is underinformed as to the rights of victims;
- (5) There is no independent entity charged with investigating complaints regarding victims' services and evaluating the efficacy and efficiency of the system as a whole;
- (6) Prompt, effective responses to acts of violence—including investigation, mediation, and other interventions, can prevent further violence from occurring;
- (7) The Pennsylvania Office of the Victim Advocate has proven effective in assisting victims in navigating complex legal and administrative processes, promoting better police and practice, and advocating for victims' interests generally;
- (8) The creation of a Philadelphia Office of the Victim Advocate would complement and enhance the work of the Pennsylvania Victim Advocate; and

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:

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:

(a) The following elected or appointed officers:

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Director of Immigrant Affairs;,
Victim Advocate.

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CHAPTER 2

ELECTION OR APPOINTMENT

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§ 3-214. *Victim Advocate.*

The Mayor, with the advice and consent of a majority of all the members of the Council, shall appoint the Victim Advocate.

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CHAPTER 4

TERMS OF OFFICE

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§ 3-406. *Victim Advocate.*

The Victim Advocate shall serve for a term of six years, and may be removed by the Mayor prior to the expiration of a term only for cause. Before the Victim Advocate is removed, the Victim Advocate must be provided with a written statement of the reasons for removal and given the opportunity for a hearing before the Mayor.

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ARTICLE IV
EXECUTIVE AND ADMINISTRATIVE BRANCH – POWERS AND DUTIES

The Mayor, The City Representative and Departments, Boards, Commissions and
Offices under the Mayor

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CHAPTER 23
OFFICE OF THE VICTIM ADVOCATE

§ 4-2300. *Creation.*

The Office of the Victim Advocate is hereby created, headed by the Victim Advocate.

§ 4-2301. *Powers and Duties.*

The Office of the Victim Advocate shall have the power and its duty shall be to perform the following functions:

(a) *Act as an advocate for crime victims and co-victims. Such advocacy may pertain not only to broader issues of law, policy and practice but also to individual judicial, administrative and investigative matters, as necessary. Notwithstanding any other provision of this Charter to the contrary, the Victim Advocate may, at his or her discretion, and subject to the availability of appropriations, use the services of the Law Department or the services of attorneys who are appointed to the office of the Victim Advocate pursuant to subsection 4-2301(k), or retain the services of private counsel, to represent the Victim Advocate in such matters;*

(b) *Lead coordination and planning among governmental and non-governmental entities that serve or otherwise interact with crime victims and co-victims;*

(c) *Provide training and technical assistance to enhance the work of governmental and non-governmental entities that serve or otherwise interact with crime victims and co-victims;*

(d) *Ensure that crime victims are notified of their rights and that such rights are vindicated;*

(e) *Serve as a liaison between the victim and co-victim community and City government;*

- (f) *Educate the public regarding issues affecting crime victims and co-victims;*
- (g) *Review relevant annual audits by the City Controller, as required by section 6-400, and as it deems necessary request that the Controller audit relevant contracts;*
- (h) *Investigate complaints regarding the interactions with victims and co-victims by government and government-funded agencies;*
- (i) *Examine issues of general importance to crime victims and co-victims and publish findings and recommendations;*
- (j) *Formulate and advocate for policy recommendations within City government;*
- (k) *Appoint and fix the compensation of such employees as may be required for the proper conduct of the work of the office of the Victim Advocate. The number and compensation of such employees shall not be subject to the approval of any other officer;*
- (l) *Take such action as is necessary to fully realize the powers and duties specified above.*

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ARTICLE VIII PROVISIONS OF GENERAL APPLICATION

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§ 8-400. Certain General Provisions to Apply to Certain Officers.

All of the provisions of this charter which apply generally to department heads or departments, boards and commissions shall apply to the Mayor, the Managing Director, the Director of Finance, the City Treasurer, the City Representative, the Insurance Public Advocate, the Public School and Child Advocate, the Handicapped and Disabled Advocate, *the Victim Advocate* and the Personnel Director and to their offices.

Explanation:

Italics indicate new matter added.

~~Strikethrough~~ indicates matter deleted.