

AN ORDINANCE

Repealing Chapter 21-1200 of The Philadelphia Code, entitled “Police Advisory Board,” and replacing it with a new Chapter 21-1200 that reconstitutes and renames the board as the “Citizens Police Oversight Commission,” and, as authorized by the Charter, provides for the Commission’s appointment, the powers and duties of the Commission and the manner in which the Commission and other officers, employees, and agencies shall fulfill their respective responsibilities with respect to the Commission, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 21-1200 of The Philadelphia Code, entitled “Police Advisory Board,” is hereby repealed in its entirety, and a new Chapter 21-1200 is added, to read as follows:

CHAPTER 21-1200. CITIZENS POLICE OVERSIGHT COMMISSION.

§ 21-1201. Preliminary Matters

(1) As authorized by Sections 3-813 and 4-2501 of the Charter, this Chapter provides for the creation of the Citizens Police Oversight Commission pursuant to subsection 3-100(e) of the Charter, as a successor to the Police Advisory Board created by Executive Order 2-17 and entitled to all resources of the Board. The Commission shall be located in a facility separate from the Police Department.

§ 21-1202. Definitions

In this Chapter, the following definitions apply:

- (1) Administrative prosecution. Refers to the prosecution of charges of misconduct subject to the Philadelphia Police Disciplinary Code at a Police Board of Inquiry hearing.*
- (2) Citizen complaints. Complaints of misconduct made by any person, who is not themselves a member of the Department, against any officers(s) of the Philadelphia Police Department, regardless of whether the misconduct occurred on or off duty, and not otherwise limited by any requirement of residency.*
- (3) Commission. The Citizens Police Oversight Commission.*
- (4) Department. The Philadelphia Police Department.*
- (5) Department employee. Any person employed by the City of Philadelphia at the Philadelphia Police Department, whether sworn or unsworn personnel.*
- (6) Internal Affairs Division. The units and employees encompassed by the Office of Professional Responsibility within the Philadelphia Police Department responsible for investigating misconduct by employees of the Philadelphia Police Department.*

- (7) *Investigative information.* Refers to all information gathered by the Commission related to any of its investigations and/or fact-finding inquiries.
- (8) *Leadership position.* This term refers to Department-identified leadership positions, as well as positions of authority within specific or specialized Department units, such as Districts, Narcotics Bureau, Internal Affairs, and Patrol Operations, and includes, but is not limited to, the ranks of Captain, Staff Inspector, Inspector, Chief Inspector, Deputy Police Commissioner, First Deputy Police Commissioner, and Police Commissioner.
- (9) *Machine-readable format.* Refers to a structured format of data that can automatically be read and processed by a computer such as comma-separated values (CSV) or Extensible Markup Language (XML). Machine-readable format does not include portable document format (PDF).
- (10) *Officer.* Refers to a sworn member of the Philadelphia Police Department.
- (11) *Police Commissioner.* The Commissioner of the Philadelphia Police Department, including acting or interim Commissioners.
- (12) *Unit of assignment.* Refers to the unit within the Philadelphia Police Department an officer is assigned to and includes district and specialized units.

§ 21-1203. *Establishment of Commission*

- (1) *Composition of Commission.* There shall be a Citizens Police Oversight Commission (hereinafter, “Commission”) consisting of nine (9) voting members. Members shall be adult residents of the City of Philadelphia.
- (2) *Selection Panel.* Voting members of the Commission shall be nominated by a Selection Panel. The Selection Panel process shall proceed as follows:
 - a. *Within thirty (30) days of the enactment of this Chapter, the Mayor and City Council shall appoint the Selection Panel. The Selection Panel shall consist of five (5) members: two (2) appointed by the Mayor and three (3) appointed by City Council. Members of the Selection Panel must have an established background in civic and community engagement. Members of the Selection Panel may not be current City of Philadelphia or Commonwealth of Pennsylvania employees, a current or former sworn employee of the Department, a current or former member or employee of the Fraternal Order of Police, or a current officer of a political party.*
 - b. *The Selection Panel, with the assistance of the Managing Director’s Office, shall solicit applications from those willing to serve on the Commission. The Selection Panel shall evaluate applicants to the Commission based on their independence, qualifications relevant to criminal justice, public safety, and the improvement of law enforcement, and a demonstrated commitment to Philadelphia citizens. The*

Selection Panel shall interview applicants who meet those qualifications to serve as members of the Commission in a public hearing setting that will also allow for a public comment period on each interviewee.

- c. Within sixty (60) days of its formation, the Selection Panel, by a majority vote, shall select a proposed slate of nine (9) voting members of the Commission and forward that proposal to City Council. Those nominated by the Selection Panel must be reflective of the diversity of the population and geography of the City and no two nominees shall reside in the same section of the City, as determined by police district. Background checks shall be required for all nominees. Such background checks shall not be performed by the Department.*
 - d. Proposed nominees are appointed to the Commission upon majority vote by City Council. Within thirty (30) days of receiving a proposed slate of voting members of the Commission from the Selection Panel, City Council shall require the nominees to appear before the Committee of the Whole for purposes of confirmation. If City Council does not convene this hearing within thirty (30) days of receiving a proposed slate, the slate in its entirety shall be deemed appointed to the Commission.*
 - e. A vacancy on the Selection Panel shall be filled by the original appointing authority within sixty (60) days of a vacancy occurring.*
- (3) Initial Appointments. The initial appointment terms of voting members of the Commission shall be determined by the Selection Panel. Three (3) members shall serve an initial term of two (2) years, three (3) members shall serve an initial term of three (3) years and the remaining three (3) members shall serve an initial term of four (4) years.*
- (4) Terms of Service. All members shall serve a regular term of four (4) years. No member shall serve for more than two (2) consecutive terms, excluding initial appointment terms.*
- (5) Removal. Members of the Commission may only be removed for cause. Cause for removal shall include misconduct, inability or failure to perform required duties or obligations, or a violation of City of Philadelphia or Commonwealth of Pennsylvania ethics laws. In cases that warrant removal, the Commission must provide written notice of the proposed removal to the member, the Mayor, and City Council. Upon receipt of written notice for proposed removal, City Council must convene a public hearing of the Committee of the Whole, where such Commission member shall have the opportunity to be heard, and the Commission will have the opportunity to present and explain the reasons for removal. Following the hearing, a majority vote of City Council is required before such Commission member can be removed.*
- (6) Vacancies. A vacancy on the Commission shall exist whenever a voting member of the Commission dies, resigns, ceases to be a resident of the City, is convicted of a felony, or is removed for cause. The Selection Panel shall reconvene within thirty (30) days of the*

occurrence of a vacancy for the purpose of selecting a nominee to fill the vacancy. The Selection Panel shall forward their proposed nominee to City Council for purposes of confirmation. If City Council does not convene a Committee of the Whole hearing within thirty (30) days of receiving a proposed nominee to fill a vacancy, then the nominee is deemed appointed to the Commission. A vacancy occurring before the expiration of a term shall be filled for the remainder of such term.

- (7) Election of Officers. Commission members shall select a Chair and Vice-Chair by majority vote within thirty (30) days after the completion of initial appointments by the Selection Panel. Election of Commission Officers shall be held every two (2) years after the election of the Commission's initial officers. No member of the Commission shall serve as Chair of the Commission for more than two (2) consecutive terms.*
- (8) Training. Prior to performing any functions as a member of the Commission, each voting member shall complete the following training, including, but not limited to: use of force; stop, search and arrest; traffic enforcement; bias-based policing; the Department's internal affairs process; the Department's disciplinary procedures (including the disciplinary provisions of collective bargaining agreements and administrative processes, administrative proceedings, and burdens of proof); the Department's rules and regulations for its law enforcement officers; and constitutional law. The Law Department shall develop and conduct the training program.*
- (9) Rules and Procedures. The Commission shall adopt such rules and procedures as deemed appropriate for the proper administration and enforcement of this chapter. All such rules and procedures shall be adopted only after posting of the rules and procedures proposed to be adopted on the Commission's website at least thirty (30) days prior to their effective date. Upon adoption, the Commission shall maintain a copy of the rules and procedures on file at the Commission, which copy shall be made available for public inspection during regular business hours. The Commission shall also publicly post such rules and procedures on its website, subject to any limitations imposed by applicable law. A simple majority vote is required to adopt such rules or procedures.*
- (10) Confidentiality of Information. The Commission shall promulgate rules and guidelines, subject to applicable law, to govern the disclosure and dissemination of information related to investigations, recommendations, reviews, and performance evaluation. The Commission may authorize one of its members or the Executive Director to issue statements to the public regarding the Commission's official business, to the extent such business is not confidential or privileged under State or local law. Commissioners may publicly discuss their roles as Commissioners and the Commission's public and official business for the purpose of educating the community.*
- (11) Prohibited Activities. Members of the Commission may not seek or hold a position as an appointed or elected public official within the City of Philadelphia or*

Commonwealth of Pennsylvania or make any financial contributions to any candidate for or incumbent of a political office within the City of Philadelphia or Commonwealth of Pennsylvania.

- (12) *Compensation. Commission members shall be compensated for all official business at such a rate as ordained by City Council. Official business shall include meetings and hearings of the Commission.*

§ 21-1204. Executive Director, Chief Counsel, and Commission Staff

- (1) *Executive Director. The Commission, by majority vote, shall select, and determine the compensation of, an Executive Director to oversee the day-to-day operations and staff of the Commission. The selection process shall include, at a minimum, interviews with a majority of the Commission members. Candidates for Executive Director must possess, at a minimum, the following qualifications to be eligible for hire:*

- a. A commitment to the improvement of policing within the City.*
- b. Demonstrated leadership and management skills.*
- c. Knowledge of relevant law and law enforcement practices.*
- d. Experience and expertise in conducting or supervising investigations.*
- e. The highest degree of integrity, independence and professionalism.*
- f. The ability to serve diverse constituencies including, but not limited to, people of all races, ethnicities, ages, immigrant or citizenship status, genders, sexual orientation, or gender identification; law enforcement; members of the press; and elected officials.*

The Executive Director shall not be a current or former sworn employee of the Police Department, a current or former member or employee of the Fraternal Order of Police, or a current officer of a political party.

- (2) *Chief Counsel. The Commission, by majority vote, shall select a Chief Counsel to act on its behalf in all relevant legal matters or as otherwise necessary to carry out the duties and the function of the Commission. The Chief Counsel must have an active legal license with the Pennsylvania bar and be current on all registration requirements.*
- (3) *Staffing. The Executive Director shall have the power to employ and supervise all employees needed to carry out the duties and responsibilities of the Commission, including civilian investigators to investigate all matters within its jurisdiction.*

(4) Consultants. The Executive Director, subject to approval by the Commission, shall have the power to hire consultants as needed to carry out the duties and responsibilities of the Commission.

§ 21-1205. Powers and Duties

The Commission shall exercise the following powers and duties:

(1) Investigations

a. Investigations of Complaints.

- i. The Commission shall receive and register all citizen complaints made against members of the Department. All citizen complaints received by the Department or any other City agency will be forwarded to the Commission for investigation.*
- ii. The Commission shall conduct investigations into all citizen complaints against any officer of the Department and may recommend charges and discipline.*
- iii. The Commission shall receive and register any complaint received from a Department employee made against officers of the Department:*
 - a. If the Commission receives a complaint from a Department employee that it determines is outside its jurisdiction, the Commission will forward the complaint to the appropriate authority only if the Department employee approves the referral;*
 - b. If the Commission receives a complaint from a Department employee that includes allegations in its jurisdiction and outside of its jurisdiction, the Commission will forward the complaint to the appropriate authority after determining whether it intends to investigate the allegations within its jurisdiction and only if the Department employee approves the referral. The Commission may decide to investigate the allegations in its jurisdiction before forwarding the complaint to the appropriate authority or investigate concurrently.*
- iv. The Commission shall conduct investigations into Department employee complaints against any officer of the Philadelphia Police Department and may recommend charges and discipline regarding allegations of:*
 - a. Physical abuse;*

- b. Domestic violence;*
- c. Lying;*
- d. Bribery;*
- e. Corruption;*
- f. Intimidation;*
- g. Harassment;*
- h. Any allegation that threatens the integrity of the criminal justice process.*

b. Other Investigations.

- i. The Commission may conduct investigations of, and may recommend charges and discipline for, accusations related to violations of the 4th Amendment to the U.S. Constitution and/or Article 1, Section 8 of the Pennsylvania Constitution relating to improper search and seizure violations, including those where no complaint of misconduct was made to the Commission.*
- ii. The Commission shall review, may investigate, and may recommend charges and discipline for all use of force, including the use of Electronic Control Weapon (ECW)/Taser, or the use of any other weapon or instrument applied with force, regardless of whether there was a complaint of misconduct made to the Commission.*
- iii. The Commission shall investigate, and may recommend charges and discipline for, all incidents involving the discharge of a firearm regardless of whether a complaint of misconduct was made to the Commission.*
- iv. The Commission shall review, may investigate, and may recommend charges and discipline for, all injuries of people that occur while they are detained by or in the custody of the Department, regardless of whether there was a complaint of misconduct made to the Commission.*
- v. The Commission shall review, may investigate, and may recommend charges and discipline for, incidents that involve injuries arising from police action, including, but not limited to, efforts to subdue and apprehend suspects, regardless of whether there was a complaint of misconduct made to the Commission.*

- vi. *The Commission shall investigate, and may recommend charges and discipline for, all deaths of or serious bodily injury to people that occur while they are detained by or in the custody of the Department, regardless of whether a complaint of misconduct was made to the Commission.*
- vii. *The Commission shall investigate, and may recommend charges and discipline for, any incident where an officer is involved in the death of another person within the City of Philadelphia, whether the officer is on or off duty, regardless of whether there was a complaint of misconduct made to the Commission.*
- viii. *The Commission may investigate, and may recommend charges and discipline for, police officers whose misconduct develops during the investigation of another officer, including allegations of lying to Commission employees during their investigation.*
- ix. *The Commission may conduct investigations, data analysis, and audits related to any pattern, policy, or practice of the Police Department. These investigations shall include, but are not limited to, misconduct, policy, training, practice, and customs.*
- x. *In the Executive Director's discretion, the Commission may review lawsuits or claims against the Department, or one or more of its members, or against the City, alleging police misconduct that falls within the Commission's jurisdiction, for the purpose of reopening a prior investigation or opening a new investigation of police misconduct.*
- xii. *In the Executive Director's discretion, the Commission may review closed Internal Affairs Division (IAD) investigations alleging police misconduct that fall within the Commission's jurisdiction for the purpose of reopening a prior investigation or opening a new investigation of police misconduct.*
- c. *Where an investigation is conducted concurrently by the Commission and the Department, the Commission shall have the same access to crime scenes and investigative materials as the Department, including the right to be present at all interviews with witnesses and Department officers. It shall be the duty of the Department to timely notify the Commission of all interviews with witnesses and Department officers so that Commission staff may be present.*
- d. *All statements by officers taken by the Commission shall be in accordance with all local, state, and federal law and the current labor contract.*
- e. *Subject to applicable law, the Commission shall have the same access as the Department's Internal Affairs and Standards and Accountability Division to all Department files, records, and Department personnel records, in addition to all files and records of other City departments and agencies. The Commission shall*

have access to such records and files to enable review for, among other purposes, investigations, policy analysis, and public discipline reporting. This includes direct electronic access to Department databases that store investigative information, as defined by applicable law. If the Department databases that store investigative information cannot provide direct electronic access because the database in question does not meet applicable law's auditing standards, the Department must upgrade those electronic databases in a reasonable amount of time to allow such access. The Department will detail the budgetary allocations necessary to meet this section's requirements annually in its budget proposal to Council when applicable.

- f. The Commission may issue subpoenas and compel the attendance of witnesses or the production of documents and/or other evidence in support of any investigation as provided by section 8-409 of the Home Rule Charter.*
- g. The Commission, on advice of its Chief Counsel, may consult or retain additional counsel to advise and represent the Commission with respect to its investigations and to enforce and defend against subpoenas, where necessary, including for the enforcement in court of subpoenas to testify or to produce documents.*
- h. Nothing in this chapter shall preclude the Commission from referring a complaint or information concerning an officer of the Department to the Office of the Inspector General, or to appropriate federal, state, or local law enforcement authorities. Nothing in this chapter shall preclude the Commission from investigating within its jurisdiction concurrently with an active criminal investigation. Nor shall anything in this chapter preclude the Commission from receiving a referral or information from any federal, state or local law enforcement authority.*
- i. Nothing herein shall prohibit the Police Commissioner or a commanding officer from investigating the conduct of an officer under his or her command, nor shall anything herein prohibit the Police Commissioner from taking disciplinary or corrective action.*

(2) Recommendations.

a. Disciplinary Recommendations.

- i. Where the Commission finds an allegation falling within its jurisdiction to have been substantiated against an officer and recommends that charges be brought against such officer, the Commission shall promptly notify the Police Commissioner of its finding and recommendation.*
- ii. The Police Commissioner shall respond, in writing, within thirty (30) days of receiving an investigatory finding and recommendation for discipline from the Commission. The Police Commissioner's response shall include:*

- a. *Whether the Police Commissioner intends to impose the recommended discipline;*
 - b. *Whether the Police Commissioner requires the Commission to complete further investigation, the reasons for further investigation, and what that investigation entails before making a decision;*
 - c. *Whether the Police Commissioner intends to impose discipline at a higher level;*
 - d. *Whether the Police Commissioner intends to impose discipline at a lower level;*
 - e. *For investigations substantiated by the Commission in which the Police Commissioner intends to impose discipline that is of a lower level than that recommended by the Commission, the Police Commissioner shall notify the Commission, with notice to the subject officer, at least ten (10) business days prior to the imposition of such discipline. Such notification shall be in writing and shall include a detailed explanation of the reasons for deviating from the Commission's recommendation, including but not limited to, each factor the Police Commissioner considered in making his or her decision. The Commission may respond to such notification within five (5) business days of its receipt, after which the Police Commissioner shall make a final determination.*
- iii. *The Police Commissioner shall not render a final disciplinary decision regarding an act of police misconduct subject to an active investigation by the Commission until the Commission submits its findings and recommendations to them.*
 - iv. *The Chair of the City Council Committee on Public Safety may require the Commission and Police Commissioner to appear at a public hearing to explain and respond to questions concerning any disciplinary recommendations and responses.*
- b. *Policy, Practice, Procedure and Training Recommendations.*
 - i. *The Commission may make policy, practice, procedure and training recommendations to the Department at any time. The Commission shall publish those recommendations on its website within five (5) days of submission to the Department, as well as provide a written copy to the Mayor and City Council.*

- ii. *The Police Commissioner must issue a written response to each of the Commission's recommendations within thirty (30) days of receipt, stating whether the Department will accept the recommendations, a description of the action the Department has already taken or is planning to take, and a timeline for implementation. If the Department declines to accept one or more recommendations, a written explanation must be provided.*
- iii. *The Chair of the City Council Committee on Public Safety may require the Commission and Police Commissioner to appear at a public hearing to explain and respond to questions concerning any policy, practice, procedure or training recommendations and responses.*

(3) Performance Reviews and Audits.

- a. *The Commission shall conduct an annual performance review of the Executive Director and of the Police Commissioner. The Commission shall determine the criteria for evaluating the Executive Director's and the Police Commissioner's job performance and communicate those performance criteria, in addition to any other job performance expectations, to the Executive Director and the Police Commissioner. The Commission may decide, in its discretion, to solicit and consider comments and observations from the Managing Director and other City staff who are familiar with the Executive Director's or the Police Commissioner's job performance. Responses to the Commission's requests for comments and observations shall be strictly voluntary. The written annual performance review of the Police Commissioner will be posted publicly by the Commission annually on its website.*
- b. *The Commission may hold a vote of no confidence regarding the Police Commissioner at any time. The Commission must detail the reasons for holding the vote in writing and present the reasons to the Police Commissioner at least thirty (30) days before holding the vote. The Police Commissioner may respond in writing by the next regular meeting of the Commission or by appearing before the Commission at the Commission's next regular meeting. A vote of no confidence only needs a simple majority of the Commissioners to pass. At the request of the Commission or at least three members of City Council, the Chairman of the City Council Committee on Public Safety shall request that the Police Commissioner appear at a hearing of the Committee on Public Safety to explain and respond to the Commissioner's vote.*
- c. *The Commission shall review the Mayor's proposed budget to determine whether budgetary allocations for the Department are aligned with the Department's policies, procedures, practices, and priorities.*

§ 21-1206. Meetings and Hearings

(1) Meetings of Commission.

- a. *The Commission shall meet at least bimonthly at an established time and place suitable to its purpose. Video recordings of all open sessions of Commission meetings shall be posted to the Commission's website.*

(2) Public Hearings of Commission.

- a. *The Commission shall conduct public hearings at least once a year on Department policies, procedures, or practices. The Commission shall determine which Department policies, procedures, or practices shall be the subject of the hearing.*
- b. *The Commission shall conduct at least one public hearing on the Department budget per budget cycle and shall forward to the City Council any recommendations for change.*

(3) Participation in Police Board of Inquiry Hearings.

- a. *The jurisdiction of the Commission shall include participation in the charging and administrative prosecution of complaints before the Police Board of Inquiry (hereinafter, "PBI") as follows:*
 - i. *The Commission and Department shall jointly decide the specific charges the accused is alleged to have violated. If the Commission and Department disagree on specific charges, then all suggested charges shall be forwarded to the PBI hearing.*
 - ii. *The Department must provide written notice to the Commission of its intent to withdraw charges. Notice shall specify the Department's reasoning for a withdrawal of charges. If the Commission does not agree with withdrawal, the Commission may submit a written objection to the Police Commissioner explaining the basis for the objection.*
 - iii. *The Department must provide written notice to the Commission of its intent to offer a guilty plea to the accused. Notice shall specify the requirements of any such plea. If the Commission does not agree with the offer, the Commission may submit a written objection to the Police Commissioner explaining the basis for the objection.*
 - iv. *The Commission shall have the jurisdiction of administrative prosecution for all complaints before the PBI for which the Commission has the power to investigate pursuant to Section 21-1205. The administrative prosecution shall include the questioning of all witnesses, including the accused, the introduction of exhibits and evidence, and closing arguments.*
 - v. *The administrative prosecution function performed by the Commission at PBI hearings shall be conducted by the Chief Counsel for the Commission,*

or other Commission employees as designated by the Chief Counsel or Executive Director.

- vi. The Department shall provide to the Commission a copy of the entire, completed civilian complaint investigative file for any complaint investigated by the Department that the Commission has jurisdiction of administrative prosecution at the PBI hearing at least thirty (30) days prior to the scheduled hearing on the complaint.*

- b. As authorized by Section 4-2301 of The Philadelphia Home Rule Charter, the Commission shall have the power pursuant to Section 8-409 of the Charter to issue subpoenas to compel the attendance of persons and the production of documents. A subpoena issued shall identify the person to whom it is directed and the documents or other items sought thereby, if any, and the date, time and place for the appearance of the witness and production of documents or other items described in the subpoena. In no event shall the date for the examination or production be less than seven (7) days after service of the subpoena.*

- c. Publication of notice of the place, date and time of any PBI hearing the Commission will be engaging in shall be posted on the Commission's website at least seven (7) days prior to the hearing.*

- d. All civilian complaint hearings shall be open to the public in a location that can accommodate all members of the public who wish to attend. If the Commission or Department has knowledge that a particular hearing will draw significant public participation, overflow space shall be provided or a live-stream of the hearing shall be made available on the Commission's website. Hearings that involve minor victims or allegations of sexual misconduct shall not be open to the public unless a public hearing is requested by the victim in writing.*

- e. An audio recording and transcript for all complaints prosecuted by the Commission before the PBI shall be retained by the Commission and shall be made available, upon payment of costs, to any person requesting it. The Commission may authorize the audio or video recording of testimony and hearings.*

- f. Hearings shall be informal and strict rules of evidence shall not be applied. Testimony under oath shall be received from all persons who appear and purport to have information that is material to the complaint.*

- g. The Commission shall recommend discipline to the PBI and that recommendation shall be reflected in final recommendation paperwork forwarded to the Police Commissioner.*

§ 21-1207. Required Reporting

(1) Reporting by Commission.

- a. The Commission shall submit its first annual, written report to the Mayor, City Council and the public within eighteen (18) months of the City Council's confirmation of the first group of Commissioners. The Commission's subsequent reports shall be submitted annually on or near the anniversary of that date.*
- b. The Commission shall issue an annual report to the Mayor, the City Council, and to the public to the extent permissible by law. The annual report shall include a detailed summary of the Commission's activities during the year, copies of the Police Commissioner's, the City Solicitor's, and Department of Labor's reports to the Commission, the Police Commissioner's annual performance review, and shall include the following information:*
 - i. A summary report for each investigation completed during the applicable time frame;*
 - ii. A summary of all activities undertaken related to community input, engagement, and outreach; and,*
 - iii. A detailed annual statistical analysis designed to explain to the public the Commission's work. Wherever possible, the Commission must aggregate the data by investigative category and the demographics of the involved citizen and Department members. The analysis shall include, but is not limited to, data related to the following:*
 - a. Total number of citizen complaints against police received by the Commission;*
 - b. Total number of Department employee complaints against police received by the Commission;*
 - c. Total number of complaints against police received by the Commission;*
 - d. Total number of all investigations of individual officers conducted by the Commission;*
 - e. Total number of investigations referred to the Department for discipline by the Commission;*
 - f. Total number and type of investigations opened by the Commission;*
 - g. Total number and type of Commission investigations completed;*

- h. *Total number and type of Commission investigations that remain open;*
 - i. *Total number and type of Commission investigations resolved by mediation;*
 - j. *Total number of investigative outcomes for investigations completed by the Commission aggregated by type of complaint;*
 - k. *Officer disciplinary recommendations aggregated by type of investigation, level of discipline, and the demographics of involved citizens and officers;*
 - l. *A compilation of the disciplinary recommendations made by the Commission and the corresponding action taken by Police Commissioner, aggregated by type of investigation and the demographics of involved citizens and officers;*
 - m. *Total number of firearm discharges, aggregated by the demographics of involved citizens and officers, and including whether injury or death resulted;*
 - n. *Total number of non-firearm weapon use, aggregated by type of weapon, demographics of involved citizens and officers, and including whether injury or death resulted;*
 - o. *Data regarding the racial, ethnic, and gender demographics of the citizens and officers involved in each investigation, as well as the area of occurrence by police district and police service area;*
 - p. *A unit by unit analysis of investigations by type and outcome, including disciplinary and/or training recommendations;*
 - q. *A list of officers who have ten (10) or more complaints of misconduct within five (5) years of the reporting period, including the officer's name, badge number, unit of assignment, gender, race, date of appointment to the Department, and the number and types of complaints filed against the officer.*
- c. *All investigations, audits, surveys conducted by the Commission and all policy evaluations and recommendations proposed shall be released publicly at the time of completion and published on the Commission's website where they shall remain permanently available. All data sets associated with each investigation, audit, survey, and policy evaluation and recommendation will be released publicly on the website of the Commission at the time of the publishing of the*

audit but will be appropriately redacted if required by applicable law. The data sets will remain on the website for at least ten (10) years from the date of publication, but in no event may they be destroyed.

- d. All final reports of the Commission shall be open to public inspection, except to the extent that information contained therein is exempted from disclosure by applicable law. Nothing in this ordinance will prevent the Commission from reporting information above and beyond what is required by the Pennsylvania Right to Know Law Act insofar as that information is not prohibited from publication by other applicable law.*
- e. It shall be the policy of the Commission to make all its work available to the public to promote accountability and transparency. The Commission shall keep the public informed of all investigations and their progress and the Commission shall ensure transparency throughout the entire investigative process.*
- f. The Commission shall maintain a database containing the complete complaint and disciplinary history for each officer. The database shall include, but is not limited to, the following for each officer: 1) all police misconduct investigations; 2) complete disciplinary history; 3) all use of force reports; 4) civil lawsuits and relevant trial and motion notes of testimony in criminal and civil cases; 5) arbitration decisions; and, 6) assignment histories. The database shall be expanded to include any other relevant information.*
- g. The Commission shall maintain full administrative rights to an electronic database that is independent from databases used by the Department. It shall maintain the data in a format that allows efficient exporting of data. These data shall be posted live on the Commission's website in delimited machine-ready format for public inspection. The data sets shall redact the names and other identifying information of civilians, including complainants, and Department employee complainants. The database must, at a minimum, include the information described throughout this section;*
- h. The Commission shall post investigative information on its website within ten (10) days of its availability for each investigation conducted by the Commission. The Commission may delay the posting of investigative information where publication would threaten or compromise the integrity of the investigation. Where posting of such information is delayed, the Commission must review for publication every thirty (30) days. The Commission will promulgate rules for identifying and monitoring such investigations but in such situations the Commission shall still publish the complaint number and the type of the investigation being withheld and the Commission shall release a summary of the open investigation after 180 days. The Commission shall otherwise post on its website the following investigative information:*

- i. *The complaint or investigation number;*
- ii. *The police district in which the complaint incident took place;*
- iii. *Location of incident reduced to hundred block;*
- iv. *Date and time of the incident;*
- v. *Date the incident was reported to the Commission, the Department, and/or otherwise came to the Commission's attention;*
- vi. *Whether video of the incident exists;*
- vii. *A summary of the allegations;*
- viii. *The type of complaint or investigation;*
- ix. *Date the investigation was completed;*
- x. *For each officer who is a subject of the investigation:*
 - a. *Initials of the officer, until any of the allegations are sustained for misconduct, when the officer name will replace the initials;*
 - b. *Badge number, but only if any allegation of the complaint or investigation is sustained for misconduct;*
 - c. *Race;*
 - d. *Gender;*
 - e. *Age;*
 - f. *Date of appointment to the Department once any allegation of the complaint or investigation is sustained for misconduct;*
 - g. *Rank at the time of complaint;*
 - h. *On or off duty at time of incident;*
 - i. *Number of previous complaints against subject officer within ten (10) years of incident;*
 - j. *Number of previously sustained complaints against subject officer within ten (10) years of incident;*

- k. All misconduct category codes for the incident under investigation;*
- l. The Commission's or the Department's recommended outcome of the investigation for each complaint, including whether the outcome was the result of mediation or whether the investigation was referred for mediation but was unsuccessful;*
- m. The Commission's and/or the Department's recommended discipline;*
- n. The Police Commissioner's recommended outcome of the investigation of each complaint, if applicable;*
- o. The Police Commissioner's recommended discipline;*
- p. The final outcome of the investigation;*
- q. The final discipline imposed;*
- r. The date of the PBI hearing, if applicable;*
- s. The hearing transcript or recording of the PBI hearing, if applicable;*
- t. Whether a grievance was filed;*
- u. The date of any arbitration hearing, if applicable;*
- v. The result of any arbitration, if applicable;*
- w. The arbitrator's name, if applicable;*
- x. A redacted copy of the Commission's investigative memo to the Police Commissioner or the Police Commissioner's memo with investigative findings and recommended discipline in PDF or similar format;*
- y. A copy of any Police Commissioner's response to the Commission's recommended discipline;*
- z. A copy of the arbitration decision, if applicable;*
- aa. The hearing transcript or recording of the arbitration hearing, if applicable;*

- bb. *The civil complaint, disposition, and verdict or settlement amount, if applicable;*
 - xi. *For each civilian involved in an incident under investigation, including all civilian complainants and/or civilian witnesses:*
 - a. *Race;*
 - b. *Gender;*
 - c. *Age at time of complaint;*
 - xii. *For each department employee complainant involved in an incident under investigation:*
 - a. *Race;*
 - b. *Gender;*
 - c. *Age at time of complaint;*
- i. *In addition to the information detailed above, the Commission shall also post the following information within ten (10) days of its availability in every investigation of officer discharge or other use of a firearm, stun gun, Electronic Control Weapon (ECW)/Taser, or any other device, instrument, or object capable of inflicting pain or injury:*
 - i. *The type of incident;*
 - ii. *Type of weapon used;*
 - iii. *Duration and/or number of times weapon used;*
 - iv. *The Commission's investigation number and corresponding Department investigation number, if applicable;*
 - v. *For each shooting officer:*
 - a. *Make and model of weapon;*
 - b. *Number of shots fired;*
 - c. *The range at which the weapon was fired;*
 - d. *For ECW/Taser incidents, the duration that the device was deployed and the number of cycles;*

- e. Injuries sustained by any officer on the scene;*
- f. Each target or victim of the weapon;*
- g. If animal targeted, the type of animal targeted or victimized;*
- h. If animal targeted, whether injury or death resulted;*
- i. Where a person is targeted or victimized, the Commission shall also post the individual's:*
 - 1. Gender;*
 - 2. Race;*
 - 3. Age at time of incident;*
 - 4. Any weapon possessed;*
 - 5. The point at which any bullet impacted the subject;*
 - 6. Any medical care provided;*
 - 7. Injuries sustained;*
 - 8. Whether a person was killed.*
- j. Within thirty (30) days of the close of the Department's investigation, including, but not limited to, internal investigations, citizen complaints against police, use of force reviews, and police shooting investigations, the Commission shall post on its website the following information for each investigation conducted by the Department:*
 - i. The complaint or investigation number;*
 - ii. The police district in which the complaint incident took place;*
 - iii. Location of incident reduced to hundred block;*
 - iv. Date and time of the incident;*
 - v. Date the incident was reported to the Commission, the Department, and/or otherwise came to the Commission's attention;*
 - vi. Whether video of the incident exists;*

- vii. *A summary of the allegations;*
- viii. *The type of complaint or investigation;*
- ix. *Date the investigation was completed; and,*
- x. *For each officer who is a subject of the investigation:*
 - a. *Initials of the officer, unless any of the allegations are sustained for misconduct or it is a police shooting investigation, in which case, the officer name will replace the initials;*
 - b. *Badge number, but only if any allegation of the complaint or investigation is sustained for misconduct or the officer is subject to a police shooting investigation;*
 - c. *Race;*
 - d. *Gender;*
 - e. *Age;*
 - f. *Date of appointment to the Department;*
 - g. *Rank at the time of complaint;*
 - h. *On or off duty at time of incident;*
 - i. *Number of previous complaints against subject officer within ten (10) years of incident;*
 - j. *Number of previously sustained complaints against police within ten (10) years of incident;*
 - k. *All misconduct category codes for the incident under investigation;*
 - l. *The Department's recommended outcome of the investigation for each complaint or investigation, including whether the outcome was the result of mediation, or whether the investigation was referred for mediation but was unsuccessful;*
 - m. *The Department's recommended discipline;*
 - n. *The Police Commissioner's recommended outcome of the investigation of each complaint, if applicable;*

- o. *The Police Commissioner's recommended discipline;*
 - p. *The final outcome of the investigation, including whether criminal charges were recommended;*
 - q. *The criminal complaint, if applicable;*
 - r. *The final discipline imposed;*
 - s. *The date of the PBI hearing, if applicable;*
 - t. *The hearing transcript or recording of the PBI hearing, if applicable;*
 - u. *Whether a grievance was filed;*
 - v. *The date of any arbitration hearing, if applicable;*
 - w. *The result of any arbitration, if applicable;*
 - x. *The arbitrator's name, if applicable;*
 - y. *A redacted copy of the arbitration decision, if applicable;*
 - z. *The hearing transcript or recording of the arbitration hearing, if applicable;*
 - aa. *The civil complaint, disposition, and verdict or settlement amount, if applicable;*
- xi. *For each civilian involved in an incident under investigation:*
- a. *Race;*
 - b. *Gender;*
 - c. *Age at time of complaint;*
- k. *If the Department objects to any information regarding its investigation being posted to the Commission's website, the Department will note its objection with the Commission in writing within fifteen (15) days of the close of its investigation with the reasons for the objection and the information it objects to appearing on the Commission's website. The Commission shall review the objection and vote on the objection at its next regular meeting. The Commission may reject the objection, accept the objection, or accept or reject the objection in part. The*

Commission will not post any information to its website regarding the investigation until the objection is resolved.

- l. The Commission shall post on its website any video of an incident that is the subject of its investigation, after redacting any parts capturing events within private areas, such as inside a person's home, or that would violate clearly established rights to personal privacy, within forty-eight (48) hours of the incident, unless the release would seriously compromise the integrity of the Commission's investigation or the complainant requests the video not be released. If the Commission withholds video, it must articulate and publish the reason that the release would seriously compromise the integrity of the investigation, and shall post the video as soon as possible after the 48-hour-period, but under all circumstances, the Commission's posting of the video must occur within fourteen (14) days of the incident.*

- m. Within ten (10) days of completing each investigation, the Commission must post on its website the summary report of its investigation in accordance with the reporting requirements of this Chapter and provide a copy of the summary report of investigation to any complainant.*

- n. Notwithstanding any other provision of this ordinance, the Commission is prohibited from releasing to the public the names and identifying information of civilians without their consent. The Commission shall provide any alleged victim in a sexual misconduct, sexual assault, rape or domestic violence investigation with the option to keep confidential the specific details of the complaint and specifics of the investigation from the summary reports made available to the public.*

- o. The Commission shall permanently retain and shall not destroy any records related to its investigations.*

- p. No later than two (2) years from the effective date of this ordinance, the City Controller shall conduct a performance audit and a financial audit of the Commission. Nothing herein shall limit the City Controller's authority to conduct future performance and financial audits of the Commission. The audit will include a review of the Commission's policies, procedures, and outcomes, and result in a public report that includes recommendations for improvement.*

(2) Reports from Other Agencies.

- a. The Commission shall require the Police Commissioner, City Solicitor, and Department of Labor to submit an annual report to the Commission regarding such matters as the Commission shall require;*

- i. *Within two hundred and forty (240) days of the City Council's confirmation of the first group of Commissioners and on the anniversary of that date thereafter, the Commission shall notify the Police Commissioner regarding what information will be required in the Police Commissioner's annual public report to the Commission which shall include, at a minimum, the following:*
 - a. *The number of citizen complaints against police submitted to the Department's IAD the previous year together with a brief description of the nature of the complaints;*
 - b. *The number of internal investigations opened by IAD together with a brief description of the nature of the investigation;*
 - c. *The number of total pending investigations in IAD, the types of misconduct being investigated, and initiation date of each investigation;*
 - d. *The number of all types of investigations completed by IAD, and the results of the investigations;*
 - e. *Number of officers disciplined and the level of discipline imposed, including whether discipline was imposed pursuant to guilty plea or a finding by the PBI, the types of charges sustained, the types of charges that were pleaded to, the number of grievances filed, and the results of those grievances;*
 - f. *The number of closed investigations that did not result in discipline of the subject officer;*
 - g. *The number of training sessions provided to officers, the subject matter of the training sessions, and the number of officers who participated in each training subject;*
 - h. *Revisions made to Department directives, policies, and standard operating procedures;*
 - i. *The number and locations of police shootings;*
 - j. *The number of Use of Force Review Board hearings and the results;*
 - k. *A summary of the Department's monthly Use of Force Reports, including the number of use of force reports per month, the type of*

force used, whether hospitalization was required, and whether the use of force was approved; and;

- I. Updates to any local, state, or federal oversight of the police department;*
- ii. Within two hundred and forty (240) days of the City Council's confirmation of the first group of Commissioners and on the anniversary of that date thereafter, notify the City Solicitor regarding what information will be required in the Solicitor's annual public report to the Commission which shall include, at a minimum, the following:*
 - a. The number of lawsuits filed in state or federal court against the City involving officers in the previous year, including: the status of each suit; the type of suit (civil rights, labor, or other); the settlement or verdict amount, if applicable; declaratory judgments and the details thereof; the details of any settlement or verdict that results in agreements that affect the policies, procedures, or operation of the police department; and, the number of suits that were settled for confidential terms. The number of lawsuits in the annual report shall include any pending lawsuits that were filed but still open or resolved during the last year;*
 - b. The status of any federal consent decrees or other federal, state, or local oversight issues involving the Department and the City Solicitor;*
 - c. Any risk management policies the City Solicitor has recommended be implemented by the Department in the last year and the status of those recommendations, including the status of any policies still pending or in the process of being implemented from previous years;*
 - d. The number of arbitrations that took place the previous year, the types of grievances that went to arbitration by number, the results of those arbitrations, the cost to the City of each arbitration reversal;*
 - e. A list of the arbitrators who heard the grievances, the rates at which each arbitrator reversed the previous finding, and the rates at which each arbitrator reversed each type of grievance;*
- iii. Within two hundred and forty (240) days of the City Council's confirmation of the first group of Commissioners and on the anniversary of that date thereafter, notify the head of the Department of Labor regarding what information will be required in the Department of Labor's*

annual public report to the Commission, which shall include, at a minimum, the following:

- a. The number of labor complaints filed the previous year involving officers, the type of each complaint, how many complaints involved a superior officer, how many complaints involved an officer with a leadership position, the status of those complaints, the outcomes of those complaints, and the rate at which each type of complaint went to arbitration.*
- b. The Police Commissioner shall provide monthly unredacted updates to the Commission on IAD investigations, use of force reviews, police shootings, and any criminal charges brought against police. Each update will include at minimum:*
 - i. Investigation, complaint, or court case number, as applicable;*
 - ii. The names of the officers involved, including badge number, payroll number, and assignment;*
 - iii. The type of investigation, complaint, or court case;*
 - iv. A summary of the allegations or issues;*
 - v. For an IAD investigation, the Commissioner's memo, if the investigation is completed, and a memo has been produced;*
 - vi. For an IAD investigation, the result of the PBI hearing, if applicable, along with a hearing transcript or recording of the hearing;*
 - vii. The status of each investigation, complaint, or criminal case, as applicable; and,*
 - viii. Any change in circumstance that led to the update.*
- c. The City Solicitor shall provide monthly unredacted updates to the Commission on lawsuits and arbitration decisions involving officers. Each update shall include, at minimum:*
 - i. Court caption and docket number;*
 - ii. The names of the officers involved, including badge number, payroll number, and assignment;*
 - iii. The type of lawsuit or arbitration;*

- iv. *A summary of the allegations or issues;*
 - v. *If applicable, a copy of the complaint and/or the amended complaint;*
 - vi. *If applicable, a copy of the arbitrator's opinion;*
 - vii. *If applicable, a copy of the arbitration hearing transcript or recording;*
 - viii. *The status of lawsuit or arbitration;*
 - ix. *Verdict or settlement amount, if applicable; and,*
 - x. *Any change in circumstance that led to the update.*
- d. *The Department of Labor shall provide unredacted monthly updates to the Commission on labor complaints involving officers. Each update shall include at minimum:*
- i. *Investigation or number, as applicable;*
 - ii. *The names of the officers involved, including badge number, payroll number, and assignment;*
 - iii. *The type of investigation or complaint;*
 - iv. *A summary of the allegations or issue;*
 - v. *The status of each investigation or complaint; and*
 - vi. *Any change in circumstance that led to the update.*

§ 21-1208. Refusal to Cooperate and Penalties

- (1) *It shall be the duty of every officer, employee, department, and agency of the City to cooperate with the Commission in an investigation undertaken pursuant to this chapter. The Police Commissioner shall order all officers to cooperate with an investigation with the Commission.*
- (2) *A refusal to cooperate, and/or relating false or misleading information to the Commission, upon a lawful request by the Commission, shall be considered a violation of this Chapter. Any employee or appointed officer of the City or law enforcement agency who violates any provision of this chapter may be subject to discipline, including but not limited to a fine of \$1,000 for each occurrence, and/or discharge.*

(3) The Commission may bring a charge of refusal to cooperate and/or relating false or misleading information to the Commission to the Police Commissioner with a recommendation for discipline pursuant to the Department's disciplinary code.

Explanation:

Italics indicate new matter added.