



City of Philadelphia

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

RESOLUTION NO. 240834

Introduced September 26, 2024

Councilmember Thomas

Referred to the
Committee on Law and Government

RESOLUTION

Proposing an amendment to the Philadelphia Home Rule Charter to provide for the creation of the Philadelphia Prison Community Oversight Board and the Office of Prison Oversight 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:

~~Strikethrough~~ indicates matter deleted from the Charter by these amendments.

Bold indicates matter added to the Charter by these amendments.

ARTICLE II LEGISLATIVE BRANCH The Council – Its Election, Organization, Powers and Duties

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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:

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(h) An amount at least equal to forty-five ten thousandths of one per cent (.0045%) of all appropriations for the Department of Prisons shall be appropriated for the work of the Office of Prison Oversight.

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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:

(a) The following elected or appointed officers:

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Director of the Office for People with ~~Disabilities~~; **Disabilities;**
Director of Prison Oversight.

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(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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Commission on African-American Males; ~~and~~
Citizens Police Oversight ~~Commission~~; **Commission;**
Philadelphia Prison Community Oversight Board.

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CHAPTER 2

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ELECTION OR APPOINTMENT

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§ 3-215. Director of Prison Oversight.

The Chief Public Safety Director, with the advice and consent of Council, shall appoint the Director of Prison Oversight from among three persons whose names are submitted by the Philadelphia Prison Community Oversight Board.

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CHAPTER 6 COMPENSATION

§ 3-600. The Mayor and Other Officers.

Until the Council shall otherwise ordain, annual salaries shall be payable in equal semi-monthly installments as follows:

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Chief Public Safety Director, ~~\$265,000~~ **\$265,000;**
Director of Prison Oversight, such amount as established by ordinance.

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CHAPTER 8 INDEPENDENT BOARDS AND COMMISSIONS

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§ 3-814. Philadelphia Prison Community Oversight Board.

(a) **The Philadelphia Prison Community Oversight Board shall be composed of nine members, four of whom shall be appointed by the Mayor and five of whom shall be appointed by the President of City Council.**

(b) **Appointments shall be made within 60 days of the creation of the Board.**

(c) **A vacancy on the Board for a term shall be filled for the balance of the unexpired term in the same manner as an original appointment.**

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(d) **Members may serve no more than two four-year terms or 10 years of total service.**

(e) **Members may be removed by either their appointing authority or by a vote of two-thirds of the remaining members, provided that Council consent to such member vote.**

(f) **Members shall be residents of the City of Philadelphia and may not be employed by the Philadelphia Department of Prisons, Philadelphia Sheriff's Office or Philadelphia Police Department or their equivalent agencies in other jurisdictions during or prior to appointment. At least one member shall have experience as an incarcerated person, preferably in the Philadelphia prisons. Council may, by ordinance, establish additional eligibility criteria for Board members.**

(g) **Members shall receive compensation in such amount as ordained by Council.**

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CHAPTER 9 DEPARTMENTAL BOARDS AND COMMISSIONS

§ 3-916. ~~Board of Trustees of Philadelphia Prisons.~~ **Reserved.**

~~The Board of Trustees of Philadelphia Prisons shall be composed of six appointed members and the Prisons Commissioner.~~

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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 28 OFFICE OF THE CHIEF PUBLIC SAFETY DIRECTOR

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§ 4-2801. **Office of Prison Oversight.**

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The Office of Prison Oversight, within the Office of the Chief Public Safety Director, shall be headed by the Director of Prison Oversight and have the power and its duty shall be to perform the following functions:

- (a) Promote the safety, health and well-being of incarcerated people by increasing transparency and accountability regarding the operation of the City's correctional facilities.**
- (b) Review, investigate and provide recommendations regarding the conduct, policies and practices of the Department of Prisons.**
- (c) Access Department of Prisons staff and incarcerated people, facilities, databases, and documents, including grievances filed against the Department.**
- (d) Develop community education programs.**
- (e) In consultation with the Philadelphia Prison Community Oversight Board, appoint and fix the compensation for such secretaries, consultants, experts, and other assistants and employees as may be required for the proper conduct of the work.**
- (f) Provide administrative support to the Philadelphia Prison Community Oversight Board.**
- (g) Carry out such additional powers and duties as Council may, by ordinance, confer on the Office of Prison Oversight, consistent with the scheme of this Charter. Such powers and duties may include the power to retain legal counsel, either as employees or by contract.**

§ 4-2902. Philadelphia Prison Community Oversight Board.

The Philadelphia Prison Community Oversight Board shall have the power and its duty shall be to perform the following functions:

- (a) Provide advice and recommendations regarding how best to promote the just, transparent, and efficient administration of correctional facilities in Philadelphia. Such recommendations may include specific investigations for the Office of Prison Oversight to undertake.**
- (b) Conduct regular public meetings, at least monthly, at designated times and places. The Prisons Commissioner and the Director of Prison Oversight, or their senior designee with Board approval, shall attend regular meetings of the**

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Board, unless excused by the Board President. The Board may, with 5 business days' prior notice, call for special or emergency meetings of the Board, which the Prisons Commissioner and the Director of Prison Oversight shall attend.

(c) Carry out such additional powers and duties as Council may, by ordinance, confer on the Office of Prison Oversight, consistent with the scheme of this Charter. Such powers and duties may include the power to issue a vote of no confidence for the Prisons Commissioner and/or the Director of Prison Oversight.

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ARTICLE V

EXECUTIVE AND ADMINISTRATIVE BRANCH – POWERS AND DUTIES
Managing Director and Departments, Boards and Commissions under Supervision

CHAPTER 12 DEPARTMENT OF PRISONS

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§ 5-1201. ~~Board of Trustees of Philadelphia Prisons.~~ *(repealed)* **Reserved.**

~~The Board of Trustees of Philadelphia Prisons, after receiving public comment, shall from time to time adopt standards and guidelines relating to City correctional institutions, including standards and guidelines relating to the creation and maintenance of a secure and humane correctional environment; the rehabilitation and training of inmates; and the preparation of inmates for reentry into society. The Commissioner of Prisons and all other City officials shall consider the standards and guidelines adopted by the Board of Trustees of Philadelphia Prisons when taking or considering any official action relating to the City's correctional facilities. This paragraph shall not confer any rights upon any individual.~~

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APPENDIX

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CHAPTER A-2

§ A-200. Schedule.

This Charter shall become effective on the first Monday of January, 1952, except in the following particulars:

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() The amendments to this Charter related to the Office of Prison Oversight and Prison Oversight Community Board shall take effect upon certification of the election at which the amendments were approved.