

3/21/2022

COUNCIL OF THE CITY OF PHILADELPHIA
JOINT COMMITTEES ON PUBLIC SAFETY,
LABOR AND CIVIL SERVICE AND
FISCAL STABILITY AND INTERGOVERNMENTAL COOPERATION

Remote location using Microsoft® Teams
Monday, March 21, 2022
9:30 a.m.

PRESENT:

COUNCILMAN ALLAN DOMB, CHAIR
COUNCILMAN CURTIS JONES, JR., CHAIR
COUNCILWOMAN CHERELLE L. PARKER, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILWOMAN KENDRA BROOKS
COUNCILWOMAN JAMIE GAUTHIER
COUNCILWOMAN HELEN GYM
COUNCILMAN DEREK S. GREEN
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILMAN MARK SQUILLA
COUNCILMAN ISAIAH THOMAS

ALSO PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE

RESOLUTION: 220153

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1 - - -

2 COUNCILMAN DOMB: Thank you,
3 and good morning. This hearing is
4 called to order.

5 I recognize the presence of a
6 quorum of Committee members. Members of
7 the Committee in attendance are
8 Councilmembers, my Co-Chairs today
9 Councilmembers Parker and Jones,
10 Councilmembers Squilla, Green, Gym,
11 Thomas, Gauthier, Quinones-Sanchez,
12 Brooks and O'Neill.

13 This is a public hearing of the
14 Committees on Public Safety, Labor and
15 Civil Service and Fiscal Responsibility
16 and Intergovernmental Cooperation, and
17 the purpose of this public hearing is to
18 hear testimony on Resolution 220153.

19 I understand that state law
20 currently requires that the following
21 announcement be made at the beginning of
22 every remote public hearing as follows:
23 Due to public health emergency, City
24 Council Committees are currently meeting
25 remotely. We are using Microsoft Teams

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1 to make these remote hearings possible.

2 Instructions for how the public
3 may view and offer public testimony at
4 public hearings of Council Committees
5 are included in the public hearing
6 notices that are published in the Daily
7 News, Inquirer and Legal Intelligencer
8 prior to the hearings and can also be
9 found on PHLCouncil.com.

10 The Clerk will now please read
11 the title of the resolution before this
12 Committee today.

13 THE CLERK: Authorizing the
14 Committees on Public Safety, Labor and
15 Civil Service and Fiscal Stability and
16 Intergovernmental Cooperation to hold a
17 hearing examining the current staffing
18 landscape within the Philadelphia Police
19 Department to identify problems and
20 solutions to improve public safety and
21 ensure the best use of taxpayer dollars.

22 COUNCILMAN DOMB: Thank you. I
23 want to thank also Councilmembers Jones
24 and Parker for introducing this
25 resolution with me as the heads of the

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1 Public Safety and Labor and Civil
2 Service Committees, respectively. I
3 also want to thank all my Council
4 colleagues, department leaders and
5 others for joining us today to continue
6 our discussions on our City's most
7 important issue, the violence epidemic.

8 But first, I do want to extend
9 my deepest condolences to the two State
10 Troopers and Civilian, and their
11 families, that were killed this morning
12 on I-95 in South Philadelphia. This
13 tragedy reminds us that law enforcement
14 officers put their lives on the line
15 every day, every day. And we thank them
16 for protecting and serving our
17 community.

18 I'd like to ask for a moment of
19 silence for the two State Troopers and
20 the Civilian who died this morning and
21 for all of our public service people who
22 have lost their lives in the line of
23 duty and to all those who have died from
24 gun violence. Just a moment of silence,
25 please.

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1 (Moment of silence.)

2 COUNCILMAN DOMB: Okay.

3 Terrible news this morning, really sad.

4 We continue to see in

5 Philadelphia the highest level of

6 violence in our modern history and it

7 weighs on all of us. Every single

8 person knows what kind of pain and

9 suffering this epidemic is causing. It

10 hurts our communities, our families and

11 our City's entire psyche.

12 My colleagues Councilmembers

13 Jones and Johnson have been running

14 several hearings, many, to talk about

15 how we operationally attack this problem

16 through programs and tactics. But a new

17 problem came to light in the last few

18 years and, that is, our Police

19 Department is working with far fewer

20 members than they should have, and we

21 know we can't fight the violence

22 epidemic with an understaffed police

23 force.

24 Today's hearing is the result

25 of a resolution I recently introduced to

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1 examine the current staffing landscape
2 within the Philadelphia Police
3 Department to identify problems and
4 solutions that will improve public
5 safety and to ensure the best use of
6 taxpayer dollars, spending on what works
7 for the results we desperately need.

8 Hey, Senator Hughes, how are
9 you? I just saw you there.

10 We want to make clear that
11 we're not here today to point fingers or
12 blame individuals or departments.
13 Nothing productive or constructive will
14 come from playing those types of games.
15 We're here to only find solutions and to
16 work together and be positive. That
17 means all of us, local, state, federal
18 officials, all agencies working
19 alongside our residents and communities,
20 all of us together. It's our
21 responsibility.

22 However, I fully anticipate
23 tough questions are going to be asked
24 today. It's necessary that we get to
25 the root cause of any staffing issue if

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1 we're going to get the City back on
2 track. With that being said, we're
3 dealing with some tough facts, so let me
4 share with you just to set the tone for
5 the hearing.

6 Last year there were 562
7 homicide victims, sons, daughters,
8 fathers, mothers, friends and neighbors
9 who all lost their lives because of
10 tragic incidences that maybe didn't need
11 to happen. This year 80 days into 2022,
12 nearly 110 homicides still outpacing
13 last year's rate. As of the end of last
14 week, there were 429 shooting victims;
15 336 nonfatal and 93 fatal.

16 Towards the start of this year,
17 the Police Department had 603 members
18 unable to work due to using Regulation
19 32 and the Heart and Lung benefits.
20 Another 107 were on limited duty. 100
21 were on restricted duty. 99 were on
22 administrative duty, and 48 others were
23 on other types of leave. When you put
24 it all together, that's almost 1,000
25 members, about 950 or so unable to

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1 perform the intended role that we need
2 them to do.

3 The Police Department's leave
4 usage is trending upwards in most
5 categories of leave, and we anticipate
6 losing approximately I believe close to
7 900 to 940 members over the next five
8 years in all ranks, and that only
9 includes planned or known retirements at
10 this time.

11 So lastly, the Department is
12 seeing lower rates of applications
13 coming in to join the Department's
14 ranks, and this is all the time when
15 we're raising expectations for how
16 police officers perform their roles and
17 responsibilities in our community.
18 Needless to say, we are facing a serious
19 police staffing crisis just as we're
20 glaring at a violence epidemic.

21 We have no choice but to come
22 together, put the politics aside and
23 figure out how we walk back from this
24 cliff. We can't expect to improve
25 public safety of Philadelphia without

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1 the appropriate levels of police staff
2 on our streets and in our communities.

3 Today we have an opportunity to
4 hear where our City stands today and
5 addressing these issues, but we all -- I
6 will stress all -- play a role in
7 getting our City back on track and
8 moving in the right direction and
9 helping our Police Department staff up.

10 I look forward to hearing from everybody
11 today and I really hope we hear answers
12 and guidance on what our next steps must
13 be by the end of the hearing. Thank you
14 very much.

15 Ms. Grbach, please call the
16 first -- oh, I'm sorry. Would my
17 Co-Chairs like to make any remarks prior
18 to announcing the first panel?

19 COUNCILMAN JONES: Well said,
20 Mr. Chairman.

21 My only addition would be that
22 there is one problem, but it can be
23 viewed from several lens. And one of
24 which I think the Police Commissioner
25 talked about it being in her press

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1 conference as to the state of the force
2 and it having problems getting recruits
3 in general. But one of them in
4 particular is diverse recruits, and
5 we've been taking a look at,
6 Mr. Chairman, how the selection process
7 happens in the City of Philadelphia and
8 what we can do to get and retain more
9 recruits for the Philadelphia Police
10 Department.

11 One way is the Explorers which
12 we've tried to work with, which is an
13 almost pre-cadet form of engagement that
14 a lot of urban kids who might want a
15 career in law enforcement can be a part
16 of, and it is a feeder into the Academy.

17 The second is looking at the
18 pre-cadet programs that exist in the
19 Commonwealth of Pennsylvania, one right
20 down the street which is at Community
21 College. There is a particular emphasis
22 in that cadet training program towards
23 African American and Latino recruits to
24 try to prepare them for the test and
25 rigors of the Academy, which hopefully

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1 we will try to expand upon, that is
2 currently having their first class of
3 recruits coming through the program.

4 One of the things that we've
5 also found out, Mr. Chairman, was that a
6 lot of the recruits that wash out
7 because of the physical-running
8 qualifications, push-ups, things that
9 they go through at the beginning of the
10 recruitment into the Academy. So we're
11 looking at some of the things -- I'm
12 thankful to you, sir, for highlighting
13 what we can do from a number of vantage
14 points to look at the problem of our
15 shrinking cadet population.

16 I have every year I've been
17 here gone up to the police academy to
18 talk to the new recruits about varying
19 topics. But you're right, we have to
20 have people that are guardians that want
21 to protect and serve the public and it
22 is a worthwhile profession to seek, and
23 we need to re-emphasize that to the
24 recruits.

25 Thank you, Mr. Chairman.

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1 COUNCILMAN DOMB: Thank you,
2 Councilmember Jones, and thank you for
3 all you've been doing in this area.
4 You've been doing a great job. Thank
5 you.

6 Madam Leader.

7 COUNCILWOMAN PARKER: Thank
8 you, Chairman Domb and Whip Jones and to
9 all members of the Committees on Public
10 Safety, Labor and Civil Service and
11 Fiscal Stability and Intergovernmental
12 Cooperation. I want to start by saying
13 a special thank you to Councilmember
14 Domb for his leadership in this effort
15 and looking at it from a holistic
16 approach.

17 Councilmember Domb, I
18 appreciated your opening comments and in
19 full agreement with what members of the
20 public just heard from you along with
21 our Public Safety Chairman Jones. And I
22 just really wanted to get on the record
23 for the benefit, not of our members
24 because we eat and sleep and breathe it,
25 but for members of the viewing public

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1 that law enforcement plays a very
2 essential role in helping to ensure that
3 Philadelphians in every neighborhood
4 across the City feel a sense of safety
5 in their City and where they live, and
6 everyone deserves a right to feel that
7 way.

8 I want to just get these five
9 buckets on the record because all of
10 us -- and when I say us, I'm referring
11 to City Council as a whole -- have been
12 working in one way or another to move
13 these buckets forward.

14 The first one, Chairman, is
15 community policing as I am concerned.
16 And that is, the number of officers who
17 are in our neighborhoods on bike patrol
18 and walking the beat the way they used
19 to. We seem to be in a responsive role
20 where we are responding to crime, but
21 not as proactive and being preventive in
22 how we think about this.

23 And I think a whole lot of it
24 we'll hear from Commissioner Outlaw -- I
25 know I just viewed her PowerPoint --

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1 because of our need to get more officers
2 recruited in the pipeline and actually
3 on the force. Obviously, there's
4 recruitment and hiring. Next, it's
5 quality of life.

6 Next, it's victim and
7 relocation. For the benefit of the
8 viewing public, I know when you hear
9 folks talk about witness protection, you
10 think about the federal program. In the
11 City of Philadelphia, in the
12 Commonwealth, we have witness protection
13 programs because people are not given
14 new identities. They are simply moved
15 to a safer location and it's referred to
16 as witness relocation. And the final
17 bucket for me is community engagement.

18 So, Chairman Domb and Chairman
19 Jones, I'm looking forward to hearing
20 the testimony in this hearing and to see
21 how we can work as a collective to
22 ensure that all residents in the City of
23 Philadelphia feel a sense of safety, and
24 that it is the number one priority here
25 in our great City.

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1 Thank you, Chairman.

2 COUNCILMAN DOMB: Thank you,
3 Madam Leader. I want to thank you and
4 Councilmember Jones for Co-Chairing
5 this with me, so thank you very much.

6 Ms. Grbach, please call the
7 first panel of witnesses.

8 THE CLERK: Great. We have for
9 our first panel Commissioner Outlaw from
10 the Philadelphia Police Department, and
11 then available for questions we have
12 Barry Scott who is from Risk Management
13 and Michael Zaccagni from the Office of
14 Human Resources.

15 COMMISSIONER OUTLAW: Good
16 morning, everyone. While we're waiting
17 for Director Battle-Murillo to get our
18 slide deck up, I too want to say good
19 morning to Chairpersons Domb, Jones and
20 Parker and to other members of the
21 community.

22 Before we get started, I too
23 want to acknowledge the tragic deaths
24 last night that happened -- actually
25 earlier this morning that happened on

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1 95, not only to the Civilian and their
2 family, but to the State Troopers that
3 lost their lives. Obviously, we are
4 here at the Philadelphia Police
5 Department to continue to provide
6 whatever assistance that they need, but
7 I think it's very important to just take
8 a moment again to acknowledge what
9 happened this morning given the very
10 topic that we're talking about today.

11 Again, my name is Police
12 Commissioner Danielle Outlaw. I'm the
13 Commissioner of the Philadelphia Police
14 Department. With me co-representing
15 will also be Deputy Commissioner
16 Christine Coulter and Deputy
17 Commissioner Robin Wimberly. Happy
18 Women's History Month to everyone.
19 We're still in the month of March. And
20 I'm also joined by the rest of my
21 executive team if there are any
22 additional questions, Deputy
23 Commissioner Naish, Deputy Commissioner
24 Dales, Director Garvey from the lab. We
25 are here at your disposal. But I will

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1 go ahead and get started.

2 We are talking about the
3 current landscaping of PPD's sworn
4 staffing specifically, and I'd like to
5 go ahead and delve into that. So let me
6 go ahead and start with the next slide.
7 So if you see here, I'm starting here
8 because this is just -- I'd like to
9 start with background and bring us into
10 how we got to where we are today.

11 While I don't necessarily have
12 the how of where we got to these
13 numbers, I wanted to show how over time
14 the numbers have been dropping. We used
15 these years very specifically because
16 it's the beginning of my tenure of my
17 predecessors. So in 2008, it was when
18 Commissioner Ramsey began. In 2016 is
19 when Commissioner Ross began. And in
20 2020 is when I began. And this chart
21 not only talks about what our staffing
22 levels were during those times or during
23 those years, but it also overlays
24 homicides and nonfatal shootings.

25 And again, I think you can see

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1 back in 2008 when the numbers were
2 lower, beginning to decline the homicide
3 and the nonfatal shooting numbers, there
4 was more staffing. And then in 2016 as
5 our staffing levels continued to
6 decrease, we see that the homicides and
7 the nonfatal shooting numbers also began
8 to steadily increase over a period of
9 time beginning back in 2016.

10 It's also important to note
11 that according to the census that our
12 population increased between 2010 and
13 2020 by about 5.1 percent, so we're
14 dealing with less staffing and our
15 numbers are growing with residents here
16 in the City of Philadelphia, and we're
17 also seeing that our nonfatal shootings
18 and homicides were increasing at the
19 same time.

20 Next slide, please. So this is
21 the number that I think we've all been
22 going back to. Today our authorized
23 strength, this is the number that we're
24 allowed to hire for, is budgeted for
25 6380. But our actual strength, which is

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1 what we're going to go into in a little
2 bit, is around 5900. So while on paper
3 we're authorized for a little bit over
4 6300, we actually have about 5900.

5 Next slide, please. I'll turn
6 it over to Commissioner Coulter.

7 DEPUTY COMMISSIONER COULTER:
8 Good morning, Chairman Domb and the rest
9 of the Committee. I'm honored to be
10 testifying here today. As the Chair
11 said earlier, there's about close to 900
12 officers leaving in five years. I will
13 be one of those who is retiring in that
14 time period, but I plan on being a
15 lifelong Philadelphia resident. So I,
16 like you, want to work together to make
17 sure we get this right and make sure
18 that there's coverage for the years,
19 many years ahead of us.

20 I wanted to talk a little bit
21 about Heart and Lung first because
22 that's clearly one of the big impacts on
23 not only what our authorized strength
24 is, but who we have available for duty.
25 So as you know, Heart and Lung allows

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1 disabled police officers and
2 firefighters to receive 100 percent of
3 their salary tax-free when they're
4 injured in the performance of duty.

5 When the Heart and Lung Act
6 came along, it was put in place really
7 to protect police officers and
8 firefighters to ensure that they were
9 not put back to work before they were
10 able to go to work. But as we all know
11 looking forward with any system, there
12 tends to be people who really need it
13 and then some people who abuse it. So
14 we're dealing with those challenges on a
15 regular basis. And the Act enables
16 officers to be treated under Heart and
17 Lung if they are not okay with the
18 doctors or the care or their perceived
19 care in the 32 system.

20 We currently have 564 officers
21 who are injured on duty at no duty.
22 That is as of today. And there's an
23 additional 121 who are on limited duty
24 status since December, which are charts
25 that we're going to be referring to

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1 later. Our actual number has gone down.
2 We were at 632 with 106 who are limited
3 duty. So we made very little progress,
4 but we're at least going in the right
5 direction there.

6 Next slide, please. Just to
7 give a little bit about the process,
8 when an officer is injured, they're
9 required to report that injury within 48
10 hours and prepare the necessary
11 paperwork. If they're unable to do it,
12 a supervisor will prepare it for them.
13 Supervisor then calls in the IOD claims
14 line and then the officer is given an
15 appointment. The officer will get
16 treatment and then a determination is
17 made whether it is a service-connected
18 injury.

19 One of the issues that we're
20 dealing with and have always been is
21 what happens when fraud is reported.
22 There have been instances where it's
23 either reported to members of the Police
24 Department to Internal Affairs to
25 outside sources, and those frauds are

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1 investigated by Risk Management. And
2 there have been instances where
3 officers' benefits have been terminated.
4 They have not been able to stay on Heart
5 and Lung.

6 But the difficulty and the
7 challenge is always with proving that
8 fraud when we're not the medical experts
9 and the medical expert will testify as
10 to whether it was reasonable or expected
11 that an officer was engaged in a certain
12 activity and whether that indeed
13 violated their ability to collect Heart
14 and Lung. But there have been instances
15 where people have been terminated.

16 Next slide, please. I know
17 only the top half of the chart is
18 visible, but we were operating on the
19 charts that were sent out by the City in
20 regards to people and the leave that
21 they've used since 2018. And as you'll
22 be able to see, one of the questions was
23 we did not use sick time during COVID
24 because everybody was carrying
25 administrative. It was a recordkeeping

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1 way of carrying people who were out with
2 COVID or quarantining for COVID, but we
3 didn't see a significant increase of the
4 number of people who were out through
5 the course of the entire pandemic.

6 Early on we had a lot of officers either
7 testing positive for COVID as well as
8 those who had to quarantine because they
9 were either exposed to COVID or somebody
10 in their household had it.

11 We also had additional officers
12 who had to take leave to care for family
13 members, children or other family
14 members who had COVID. Unlike a lot of
15 our City population early on in COVID,
16 police officers as well as firefighters
17 and some other essential services had to
18 come to work and those unable to do so
19 because of either schools closing or to
20 care for their children did use
21 increased time.

22 And something that we're also
23 seeing now, which is affecting our time
24 and our usage is the new paternity
25 provisions that were in the bargaining

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1 unit contract that was now based on
2 those provisions, an officer within 18
3 months of the birth of their child,
4 being a parent, whether they're
5 biological or adopted, can take a month
6 off for paternity leave to care for
7 those children, so it's starting to
8 impact our numbers as well because it's
9 hard to plan because we don't know when
10 those officers are going to be
11 requesting to leave.

12 We also have had an increase in
13 IOD over that time period steadily going
14 up from 2018 with a huge rise in 2020,
15 which was right around the time when we
16 had the civil unrest. And just as a
17 point of reference in that one week, we
18 had over 60 officers who were injured
19 off duty. Some of them very, very
20 seriously hit by cars, broken arms,
21 stuff would be long-term and illness,
22 and other ones were not as serious but
23 still significant injuries.

24 Next slide, please. Some of
25 the frequently asked questions that we

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1 wanted to just clarify with our
2 presentation is that, yes, COVID was
3 classified differently. It was counted
4 as administrative leave. And if you
5 look at the previous charts, you will
6 see in the months that our City --
7 actually state and country had the
8 largest outbreaks is when you saw the
9 bumps up in administrative leave when we
10 had -- we've always had officers since
11 the beginning who were either
12 quarantined or affected with COVID. But
13 in those periods, those numbers
14 quadrupled at times and you'd see that
15 really went forward.

16 One of the other questions that
17 was asked based on the City's
18 calculations is the use of other, which
19 is very minimal in the Police
20 Department, but that captures things
21 that aren't captured anywhere else such
22 as when officers have to donate blood in
23 an emergency and stuff like that.
24 There's no category in One Philly or
25 classification so it's used as other,

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1 but our other numbers are very, very
2 small.

3 Our officers who were carried
4 COVID during the entire pandemic, a lot
5 of them were workplace exposures. It
6 was deemed with a presumption that the
7 officer more likely than not did catch
8 COVID at work and were carried
9 administratively. And just wanted to
10 point out that in that period we also
11 had eight officers who died who tested
12 positive to COVID.

13 And there is also a reference
14 on that chart where a couple of months,
15 July, August, when our numbers were
16 really low, that is not an accurate
17 counting. In One Philly, there was the
18 inability to capture those numbers in
19 those months, so those numbers aren't
20 that we had a great drop in that period.
21 But we actually considered around the
22 same amount, but were unable to capture
23 those numbers.

24 Next slide, please. Looking at
25 our current staffing vacancies, this is

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1 just really to show that it is within
2 every rank and it's also throughout the
3 entire department, everybody thinks of
4 vacancy as in patrol, but the ability to
5 perform all the other necessary
6 functions in the Department are also
7 insignificant when we don't have the
8 staffing we need.

9 When we look at our variants,
10 that number is by our authorized
11 strength when we're looking at the point
12 of reference period from 2018 on when
13 our authorized strength was 65, 75.
14 It's now 6380, and we're not at that
15 number, but showing a variance of where
16 we were actually four years ago to where
17 we are now, so those 750 officers down.
18 And that does not count the ones that
19 Councilman Domb explained at the
20 beginning who are not available for
21 service. But as you can see, it affects
22 our investigative ranks, it affects our
23 support services, training. All the way
24 across the board we are missing folks
25 and making the necessary adjustments to

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1 pull folks from some of these already
2 short places to supplement patrol to
3 make sure we have the highest level of
4 safety on the street at all times.

5 Next slide, please. The next
6 one was the only area that we pulled out
7 separately, and that was our area of
8 forensic science. We have 28 nonsworn
9 people, 20 scientists, technicians and
10 executive assistant, and 21 sworn, 17
11 police officers and 4 sergeants. We
12 have significant vacancies in both
13 categories.

14 Looking at the current barriers
15 to recruitment in those areas have to do
16 with people who do not live in
17 Philadelphia who have the skill set. We
18 contend that arguably anybody who wants
19 to work in that field who lives in
20 Philadelphia is already doing so, so the
21 ability to recruit people to get folks
22 that have that skill set and quite
23 honestly, our forensic scientists don't
24 make what they make in private sector so
25 it is a very, very tough area to recruit

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1 folks and then retain them. Bringing
2 people is not also as challenging as
3 keeping them, but to compete with other
4 markets, there's folks who will get a
5 couple years and get their resumé built
6 up and then move on to where they're
7 paid higher. So it is a skill set that
8 we're always looking for and it's always
9 a challenge to get what we need there.

10 Next slide, please. One of the
11 comparisons we did just from the period
12 of 2019 to 2022, which is when our
13 staffing level 2019 we were at 6577. So
14 we were as close as we had ever been to
15 our authorized strength in tenure.
16 Looking at those numbers to where we are
17 now, the difference that we've spent in
18 General Fund overtime is about \$5
19 million. And a large portion of that
20 was to either use staffing replacement
21 or to cover details where we used to
22 have more officers that we were able to
23 work at a straight time rate. Now, we
24 have to use it in overtime status.

25 But if you remember the first

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1 chart that Commissioner Outlaw showed
2 when we were at 6577, if you look at our
3 crime, 2017 was our lowest year of
4 homicides in recent history, and we had
5 a decrease in shootings as well. So
6 it's clear that there is a correlation
7 to adequate staffing levels in
8 comparison to our ability to fight and
9 control crime.

10 Next slide, please. I'm going
11 to turn it over to Deputy Commissioner
12 Wimberly at this point and she'll talk a
13 little bit about recruitment, retention
14 and some recommendations. Thank you.

15 COUNCILMAN DOMB: Thank you.
16 Deputy Commissioner Wimberly.

17 DEPUTY COMMISSIONER WIMBERLY:
18 (Muted).

19 DEPUTY COMMISSIONER COULTER: I
20 think you're on mute. You're open now.

21 DEPUTY COMMISSIONER WIMBERLY:
22 (Muted).

23 COMMISSIONER OUTLAW:
24 D.C. Wimberly, is it an audio issue?

25 DEPUTY COMMISSIONER WIMBERLY:

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1 (Shakes head affirmatively).

2 COMMISSIONER OUTLAW: Okay. I
3 can pick it up for her until we figure
4 it out. You can go ahead and go to the
5 next slide. So this slide just goes
6 over exactly what our recruitment
7 process is -- you're good now?

8 DEPUTY COMMISSIONER WIMBERLY:
9 (Muted).

10 COMMISSIONER OUTLAW: Nope,
11 you're not. Okay. You can log out and
12 log back in. I can pick it up for you
13 until you get back in.

14 These are the steps. I won't
15 go through all of the bullet points.
16 But as you can see, the initial step is
17 when we gather the information. There's
18 our reading examination, which we'll
19 talk about a little bit later, the
20 physical agility exam which is state-
21 mandated and you can get three attempts
22 there, and the scoring is based on the
23 age and gender.

24 And then the second step allows
25 us to move forward through with a

3/21/2022

1 physical exam, the psych, that's where
2 we're reviewing all of their background
3 information, checking social media, the
4 poly. That's where we get more indepth.

5 Next slide, please. These are
6 some stats. And again, I won't go
7 through all of these. This is an
8 example based off of Recruitment List
9 21A. We used it in 2021. 21A is the
10 list that allowed us to grandfather in
11 those individuals who weren't
12 necessarily residents, given that the
13 legislation was fairly new and was
14 taking effect. But this is the
15 breakdown demographically of the
16 candidates that we were getting. And
17 then also, it shows where we were losing
18 people.

19 About 900 of the 3798 actually
20 attended an orientation. 122 applicants
21 withdrew. 570 failed the reading and
22 the agility test. And of the 255
23 applicants that were interviewed, only
24 65 were hired. So what this tells us is
25 that we need meaningful ways to continue

3/21/2022

1 to stay engaged with people throughout
2 the entire process, given that the
3 process is lengthy as it is.

4 And then we also need to, which
5 D.C. Wimberly will step in and talk
6 about, look at some other options as it
7 relates to the reading test, and then
8 we'll tell you how we've continued to
9 engage people working with them early on
10 for the physical agility as well to make
11 sure that they are, in fact, prepared to
12 pass when they're ready to get to that
13 portion.

14 D.C. Wimberly, you're ready for
15 me to turn it back over to you?

16 DEPUTY COMMISSIONER WIMBERLY:
17 Yes, ma'am. Thank you.

18 COMMISSIONER OUTLAW: Okay.
19 Next slide, please.

20 DEPUTY COMMISSIONER WIMBERLY:
21 Yes. Sorry about that. So this is a
22 slide that shows our residency
23 requirement and how it was broken down
24 for our class, for our list of 21A,
25 which had a total of 3798 applicants.

3/21/2022

1 21B was the first list with only
2 Philadelphia residents, and it resulted
3 in a list of 2478 in total applicants,
4 which is a very large difference in how
5 many people applied.

6 Next slide, please. The
7 Department asked for CRI-TAC to conduct
8 an assessment of our recruitment unit,
9 and what they were looking for was a
10 review of our hiring and our retention
11 practices. The next slide will show
12 some of the recommendations from
13 CRI-TAC.

14 Next slide, please. As you can
15 see, they gave us recommendations
16 regarding our recruitment and outreach
17 strategy, some of which we have already
18 implemented. Our marketing and
19 communication strategies which is
20 something we are currently working on
21 and our workload demand and staffing
22 allocation, which is very difficult now
23 that we have such a reduction in
24 numbers.

25 Next slide, please. Again,

3/21/2022

1 here are some of the recommendations
2 that we have been able to put in place,
3 but there are some needs that we have to
4 further this venture. Next slide,
5 please. What we are doing in helping
6 some of the potential recruits to pass
7 the reading exam is that we have
8 partnered with Temple University, who
9 has a funded program for a literacy
10 program. We have now 225 applicants who
11 did not pass the reading test that have
12 signed up for this.

13 The reading test -- I'm sorry,
14 I was offline, I don't know if the
15 Commissioner mentioned -- is a 9th grade
16 level reading test with the Nelson-Denny
17 test, which is state-mandated. We have
18 been in conversation with the state to
19 change that test. So we have found
20 while working with the Police Foundation
21 there are two other tests that's used by
22 other departments, the NPOST test and
23 the TABE test, and we are going to
24 give -- we have 100 of those tests. We
25 are going to give a sample set to 50

3/21/2022

1 applicants who did not pass the Nelson-
2 Denny test and 50 applicants that are
3 currently in the Academy. And we're
4 looking to gather data to prove that we
5 can use a different test and still get
6 the results that we need.

7 As was mentioned by Councilman
8 Jones, Community College has a program
9 for those who are interested in law
10 enforcement. We have partnered with
11 them and have been working along with
12 them for that. Currently in the Academy
13 we have Class 395, which has 41 recruits
14 that are scheduled to graduate on April
15 8th. We have Class 396 that currently
16 has 78 recruits. They are scheduled to
17 graduate September 16th. And as of
18 today, we put in Class 397 which has 48
19 recruits, which they are scheduled to
20 graduate December of 2022.

21 Next slide, please --

22 COUNCILMAN DOMB: I just want
23 to interrupt for a second. We're
24 getting some comments from viewers on
25 Channel 64 saying they are having

3/21/2022

1 difficulty in seeing a full screen. Can
2 we expand the screen for our viewers
3 possibly. We can keep going. I just
4 wanted to tell that to our Tech
5 department.

6 DEPUTY COMMISSIONER WIMBERLY:

7 This slide represents the initiatives
8 that we have started that I have just
9 spoken about. We're looking to
10 streamline the applicant process to
11 increase engagement within the City, and
12 there are some zip codes that we are
13 working with OHR and the Free Library to
14 do that.

15 Next slide, please. And here
16 are our funding requests. I've updated
17 you on the Nelson-Denny reading test.
18 And we need a realtime applicant
19 tracking system, and the cost of that is
20 \$45,000. Also, we need materials so
21 when we go out to do recruitment, that
22 we can be successful in our endeavors
23 also with advertising and technology
24 needs for a total of \$94,000.

25 Next slide, please. This is

3/21/2022

1 just points to note. There are some
2 stumbling blocks we have with
3 recruitment, and funding is also
4 going -- is a problem for us. Next
5 slide, please. That's my presentation.
6 Any questions?

7 COUNCILMAN DOMB: There were
8 questions, yes.

9 I just want to recognize
10 Councilmember Bass who's joined us.
11 Thank you, Councilmember.

12 I have several questions that I
13 would like to ask, and I'm not sure who
14 would be responding to them, but I'll
15 just ask away. Looking at the uniformed
16 leave usage and workforce availability
17 for the beginning of Fiscal Year '19 to
18 halfway through Fiscal Year '22, it
19 seems that the overall availability is
20 declining as leave usage is slightly
21 increasing. Can you help explain to us
22 the trend line? It looks like the trend
23 was starting even before COVID and has
24 just had a steady increase during COVID.
25 And what do you think has been the

3/21/2022

1 impact -- Part 2 of that -- of the
2 staffing shortage of Department morale
3 and on day-to-day operations?

4 DEPUTY COMMISSIONER COULTER:

5 Well, I think that's a huge part and I
6 think the fact that when we're operating
7 short and officers are required to work
8 more overtime, they're required to work
9 additional shifts, it takes its toll not
10 only on officers physically, but also on
11 their families and they wind up taking
12 leave.

13 When officers have authorized
14 vacation, it's not our big concern
15 because we know that they're going to be
16 missing on those days and we know how to
17 make those adjustments. But leading
18 into some whether they were special
19 events and then leading into some of the
20 challenges that we had in the summer of
21 '20, days off were canceled for quite
22 some time and officers who still have
23 their family and their health and other
24 challenges would take leave that they
25 earned contractually, but the timing

3/21/2022

1 isn't always good for the Department.

2 So I think the shortage is
3 going to continue to take its toll on
4 our officers that you can only
5 mandatorily require people to work for
6 so long without it really hitting the
7 officer and hitting their ability to
8 come in and do the job. I think it's
9 been something that started when our
10 staffing level started to drop, and now
11 it's been exacerbated by that continual
12 drop of officers.

13 COUNCILMAN DOMB: Okay.

14 COMMISSIONER OUTLAW: I'll
15 chime in really quick, Chairperson Domb.
16 The further reach of impact that we
17 should also be discussing is the point
18 that Chairperson Parker made in our
19 ability to get more people out of their
20 cars, on foot, on bicycles, along
21 commercial corridors. We're prepping
22 for the spring and summer now.

23 And so, what we did last year
24 was made sure that we prioritized our
25 deployments according to where we

3/21/2022

1 needed -- the most problematic areas,
2 and that meant problematic not just
3 grids or areas within the City, but
4 we're also talking about rec centers or
5 wherever there was summer programming
6 for our young people so we can bolster
7 our visibility there.

8 But we know that prior to the
9 summer we had to extend our school
10 safety zones, our buffer zones. So it
11 wasn't just around schools. It was the
12 areas around the schools. So now, we're
13 again moving into the summer and we're
14 talking about increased visibility not
15 only in these areas, but then also
16 accounting for those folks who are out
17 on leave, so that means we're pulling
18 people out of plain clothes assignments
19 to put them back in marked cars and in
20 uniforms. And at some point, it's just
21 not sustainable. It's a short-term
22 solution, but we're going to need to
23 make sure that we have the numbers so we
24 can go back to what we know people want,
25 which is high visibility, the ability to

3/21/2022

1 not only be present, but to be able to
2 deter and prevent crime because we're
3 there and we're not robbing Peter to pay
4 Paul.

5 COUNCILMAN DOMB: Okay. Thank
6 you. And I have a few more questions.
7 And I just want to address this so we
8 can get it out of the way. The Inquirer
9 ran a story on the abuse, which we've
10 talked about, the state-level Heart and
11 Lung leave category. And so, it was
12 evidence of multiple cases of what seems
13 to be leave abuse.

14 So I guess the questions that
15 I'd like to put out there is what steps
16 are we taking to look into these issues
17 since the reporting came out and what
18 can we do to make sure that there's no
19 abuse of the leave system going forward?

20 COMMISSIONER OUTLAW: Thank
21 you. D.C. Coulter.

22 DEPUTY COMMISSIONER COULTER:
23 Yes, I'll begin. I think Deputy
24 Wimberly wants to chime in too.
25 Whenever we're brought instances of

3/21/2022

1 abuse, they are investigated. I know
2 there are challenges once those move
3 forward to a Heart and Lung hearing
4 because of the medical experts. But the
5 article and information was very, very
6 troubling because we need every well
7 body that we have available to be
8 working, working here for the
9 Philadelphia Police Department.

10 And looking at some of the
11 stories and some of the stuff, now the
12 Inquirer has not given us any additional
13 information. They said they had videos
14 and stuff like that, but we're hoping
15 they're working with Risk and Internal
16 Affairs to help clear up, you know,
17 because we don't want folks who don't
18 want to be here either, but we certainly
19 don't want people playing the system and
20 getting paid here and getting paid from
21 another job and able to work.

22 So I think Deputy Wimberly will
23 give you a little bit of the follow-up
24 that her folks are doing at Professional
25 Responsibility.

3/21/2022

1 DEPUTY COMMISSIONER WIMBERLY:

2 Yes. We've conducted investigations in
3 reference to those that were in the
4 paper and other things that we know
5 about, and we work along with Risk
6 Management. And often times we are not
7 successful, as Deputy Coulter said,
8 because we're not doctors. But we are
9 on it and we are vigilant because we
10 know just how abusive it can be.

11 COUNCILMAN DOMB: I would think
12 that if I'm a police officer and someone
13 is abusing the system which puts me with
14 less staffing in my area, I'd be pretty
15 upset that they're abusing the system.
16 So I think it's a morale issue too. Not
17 just that they're taking money from us
18 illegally, but it's also a morale issue
19 on the police force.

20 DEPUTY COMMISSIONER COULTER:

21 Well, Councilman, even talking with the
22 interviewers from the paper, all of
23 their leads came from other officers.
24 This wasn't stuff that they discovered.
25 The officers who are good officers who

3/21/2022

1 are frustrated working without
2 sufficient backup are the ones who
3 reported it. So you are 100 percent
4 right. The officers who are coming to
5 work every day are extremely frustrated
6 and it does destroy their morale when
7 they're seeing somebody actually being
8 paid more to not come in at all.

9 COUNCILMAN DOMB: Right. And I
10 know we have Risk Management here. I
11 think Barry's here. Maybe, Barry, you
12 can state your name and give us for the
13 record some sense of the costs and
14 trends that have been going on.

15 MR. SCOTT: Good morning,
16 Council Chairs Domb, Parker and Jones
17 and Councilmembers and other members of
18 the Administration, members of the
19 public. My name is Barry Scott and I'm
20 the Director of Risk Management in the
21 City's Office of the Director of
22 Finance. Thank you for inviting me to
23 the hearing this morning.

24 Risk Management is responsible
25 for our worker safety and health program

3/21/2022

1 to make sure City workers are safe and
2 healthy while at work. We're also
3 responsible for the City's employee
4 disability program, which is responsible
5 for providing care to injured workers
6 who suffer an injury on the job. That
7 program added the Heart and Lung benefit
8 in 2003, and that has been a program
9 that we have managed since -- Heart and
10 Lung is a program that we have managed
11 in addition to our Regular 32 program
12 for our IOD program for injured workers
13 and our Pennsylvania Workers' Comp.
14 program, which is what we're required to
15 comply with by state law.

16 Heart and Lung is a state
17 benefit. It is separate from
18 Pennsylvania Workers' Comp., and it has
19 as such a different set of rules and
20 guidelines that guide it. Pennsylvania
21 Workers' Comp. provides a strong and
22 healthy framework to evaluate injuries
23 and care. Heart and Lung is not that
24 detailed in providing guidance about how
25 injuries are worked on. And so, we've

3/21/2022

1 worked hard to make sure that we set up
2 a program which tracks that.

3 What we have seen is that there
4 have been physicians who have -- a
5 program when we set it up, allowed the
6 Union to add physicians to the City's
7 network panel of medical doctors,
8 occupational physicians who are
9 responsible for evaluating injured
10 workers and helping those injured
11 workers return to healthy work and
12 function.

13 The doctors who are treating
14 under the Heart and Lung panel or are on
15 the Heart and Lung panel have been
16 recommended by our employee unions, and
17 those doctors we have seen a pattern of
18 extended care for injured workers under
19 that program, and that has been
20 exacerbating over the years, over the
21 last 10 to 12 years we've seen an
22 increase in the duration of disability.
23 It has absolutely no value for us in the
24 City to have injured workers go back to
25 work too soon when they're not able to

3/21/2022

1 handle the workload.

2 And so, that's why in our
3 program we have a program where if your
4 injury is severe, you're off, no duty,
5 you stay off for a period of time until
6 the doctor determines that you're able
7 to return to limited duty. And at that
8 point, you can return to some form of
9 limited duty where you can do parts of
10 your job, but there are elements of your
11 job that the doctor determines you
12 cannot do. And then as you proceed in
13 your rehabilitation back to wellness,
14 that we see those people then returning
15 to their full duty positions.

16 That process, well-established
17 here at the City in this job and in
18 other jobs, has changed over the years
19 as the doctors that are on the Heart and
20 Lung panel have really extended the
21 duration of disability for our injured
22 police officers, so those officers are
23 off much longer than they have been
24 before and than they are in other
25 similar types of injuries. So we are

3/21/2022

1 working as well as we can with the Heart
2 and Lung Arbitration Panel, which is the
3 adjudicative body that reviews Heart and
4 Lung injuries and approves through a due
5 process hearing the employee's right to
6 those Heart and Lung benefits.

7 As Commissioners Coulter and
8 Wimberly have established and Outlaw has
9 established, we investigate those claims
10 where there seems to be a problem with
11 the injury care or the return to work
12 and where people seem to be possibly
13 abusing that system. Those are followed
14 up on through the use of our resources
15 and Risk Management through our third-
16 party administrator. We investigate
17 those and process those to try to get
18 those workers back to work. We're
19 focused on getting them healthy and back
20 to work so that they can continue to do
21 the career that they signed up for. So
22 that's how our process works, and that's
23 a little bit about how that's worked
24 over the recent years.

25 COUNCILMAN DOMB: Okay. Thank

3/21/2022

1 you. I just have a couple of questions
2 for you. Maybe you can answer them.
3 Does the Department of Risk Management
4 contest Workers' Comp. and disability
5 claims?

6 MR. SCOTT: We do where there's
7 indication that those should be
8 contested.

9 COUNCILMAN DOMB: Have we had a
10 lot of those in the past 12 months?

11 MR. SCOTT: We haven't had any
12 abnormal number of those in the last 12
13 months, no.

14 COUNCILMAN DOMB: Okay. I
15 think I speak for all my colleagues that
16 those officers that are injured and are
17 deserving of any benefit, we want to
18 make sure they get the benefits. But
19 those officers that are taking advantage
20 of the system are really the focus here,
21 and that's what we want to really get
22 resolved because that gives us all a bad
23 name, including every police officer.
24 So we want to make sure that we are, and
25 no pun intended, policing those that are

3/21/2022

1 abusing the system. Thank you.

2 Let me go to recruitment for a
3 moment, and then I'll go to my
4 colleagues for questions. In the area
5 of recruitment, I guess is there -- in
6 today's day and age to hire people, a
7 lot of social media is being used,
8 whether it's Instagram, Facebook or
9 TikTok or all the different -- Twitter
10 or whatever the forums are for social
11 media, are we utilizing these social
12 media forums for hiring of police
13 officers? And if so, which would be the
14 typical Instagram accounts or other
15 accounts that we could look to?

16 DEPUTY COMMISSIONER WIMBERLY:
17 Yes, we are using social media. Not so
18 much TikTok, but we're using Twitter,
19 Facebook and Instagram, which is the
20 Philadelphia Police Department's contact
21 information for their handles. We also
22 use radio, so radio media. Often we get
23 an opportunity to be on DAS. Some of
24 those things actually have a cost to
25 them, but we're utilizing all the things

3/21/2022

1 that are out there, especially the
2 demographic that we're trying to draw
3 uses social media more than they would
4 read the Inquirer, so we are utilizing
5 those efforts.

6 COUNCILMAN DOMB: I would say
7 this, look at this as we have a budget
8 of \$740 to \$750 million for the police
9 budget and we need to hire a lot of
10 police officers. We have almost 500
11 vacancies and we have roughly 1,000
12 either not on duty right now or on desk
13 duty, and we have over 900 over the next
14 five years in drop, I would be
15 supportive of investing more money in
16 hiring even a local employment firm to
17 assist us in this process and give us
18 the best strategies and tactics on how
19 to help you staff up, because I do think
20 that social media is important today. I
21 think two or three postings a day would
22 be appropriate. And I think we need to
23 do more.

24 And I want to ask this question
25 also about staffing up. I know we

3/21/2022

1 have -- I think, Commissioner, I think
2 you remember you were telling me that
3 you were an Explorer when you were
4 younger, a Police Explorer. So I don't
5 know the exact program, but I know
6 Police Explorers I think are from age 14
7 and up --

8 DEPUTY COMMISSIONER DALES: To
9 20.

10 COUNCILMAN DOMB: To 20. Is
11 there a way for us to have Explorers
12 from 14 to 18, if we haven't already,
13 create cadets from 18 to 21 that we hire
14 to do the desk duty jobs and we bring
15 them into the Police Department to get
16 them trained? Even though they can't go
17 out there, they can do administrative
18 work.

19 COMMISSIONER OUTLAW: I think
20 that's a great suggestion, Councilmember
21 Domb. That's exactly the pipeline that
22 I was in. I was a Police Explorer. And
23 then when I went to college, I was a
24 paid police cadet. That would call for
25 a creation of a job classification.

3/21/2022

1 Obviously, there's a process there, but
2 there's definitely some added benefit to
3 that in creating our pipeline,
4 specifically identifying our young
5 people here in the City.

6 COUNCILMAN DOMB: Okay. We
7 should probably look into that because I
8 think it could become a pipeline for
9 police officers down the road and give
10 people an opportunity after they
11 graduate high school, there's a gap
12 between applying for Police, I think
13 it's 22. At least this will give them a
14 job and help you support these
15 administrative functions.

16 Let me ask a few other
17 questions that I've heard. Is there any
18 type of connection that exists with our
19 military for the purposes of
20 recruitment? And I'm told the
21 transition from military to paramilitary
22 career is sometimes a smoother one, and
23 is that true in your experience in the
24 hiring process?

25 DEPUTY COMMISSIONER WIMBERLY:

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1 It has --

2 DEPUTY COMMISSIONER COULTER:

3 It -- I'm sorry. Go ahead.

4 COMMISSIONER OUTLAW:

5 D.C. Wimberly.

6 DEPUTY COMMISSIONER WIMBERLY:

7 It has been true in our prior
8 experiences. Because we are under the
9 mandate of bona fide resident in the
10 City of Philadelphia, we still have not
11 been able to figure out how that would
12 work. We've had conversations with
13 Councilperson Parker previously and that
14 was brought up, but we haven't finalized
15 how we would do that, whether they would
16 have to have been a resident prior to
17 going into the military, but we are
18 exploring that option.

19 COUNCILMAN DOMB: Okay. And
20 two last questions and then I'll turn it
21 over. Does the current residency
22 requirement for waivers for individuals
23 enrolled in college and/or serving in
24 the military, is there an ability to get
25 a waiver for those categories?

3/21/2022

1 DEPUTY COMMISSIONER WIMBERLY:

2 We've had --

3 COMMISSIONER OUTLAW: We --

4 DEPUTY COMMISSIONER WIMBERLY:

5 Go ahead, ma'am.

6 COMMISSIONER OUTLAW: Go ahead,

7 D.C. Wimberly.

8 DEPUTY COMMISSIONER WIMBERLY:

9 We've had conversations regarding that
10 as well and we still have to nail that
11 all the way down.

12 COUNCILMAN DOMB: Okay. And
13 then lastly, I know the Attorney General
14 had sent out a letter of ideas for
15 police commissioners and police
16 departments throughout the Commonwealth
17 to attract police officers -- we're not
18 the only ones having this problem, it's
19 a nationwide issue -- but have we
20 discussed a hiring bonus maybe to
21 attract new applicants? And if so, what
22 would be the cost for that bonus going
23 forward? And I know that the U.S. Army
24 I just saw is offering a \$50,000 signing
25 bonus. I was shocked by that.

3/21/2022

1 DEPUTY COMMISSIONER WIMBERLY:

2 We've had a conversation about that.

3 Christine, if you want to chime in.

4 DEPUTY COMMISSIONER COULTER: I

5 think to be competitive we have to be

6 able to have a bonus where you're

7 attracting people. The places that

8 you're giving up have nationwide ability

9 to attract people and they're still

10 offering such a large number to get in,

11 get folks that live in just a small area

12 who are looking for this type of

13 employment.

14 I mean, bonuses don't ever

15 hurt. But I don't know that there's --

16 there's only a finite number of people

17 in that area that want this particular

18 job. So without widening the net to

19 look for folks that may be bringing in

20 some of the best and the brightest who

21 want to come in and be that as an

22 incentive, I don't know that a large

23 bonus would make a big difference, but

24 any bonus would help to get people.

25 I mean, Amazon's giving large

3/21/2022

1 bonuses. All the people who we're
2 competing with now to hire folks are
3 putting incentives out there, and a lot
4 of folks look at that, at that
5 shortsight because people are hurting,
6 people need more money now. And if
7 somebody's going to offer you \$2,000,
8 \$5,000, \$10,000 to come on, even if they
9 say I've always wanted to be a cop, but,
10 you know, private industry or somebody
11 else is offering it, I think it's
12 certainly a viable option. But I don't
13 know, you're still a finite candidate
14 pool.

15 COUNCILMAN DOMB: One last
16 question and then I'm going to turn it
17 over. The issue of the residency
18 requirement we've heard. We know what
19 the goal is for that. We think it's a
20 great goal. How do we accomplish the
21 same goal in a different way maybe? Is
22 there a solution?

23 DEPUTY COMMISSIONER COULTER:
24 If I may, just one thing that I always
25 said. If we gave a preference to

3/21/2022

1 Philadelphia residents even if we give
2 them 100 points and go through every
3 Philadelphia resident first, that we
4 wouldn't hire anybody outside until all
5 of those are satisfied, I think we would
6 still get every Philadelphia resident
7 that qualifies and wants the job, but
8 then making sure we have a safety net
9 with candidates behind them, that after
10 we run out of viable candidates here
11 that there's people who still want it.
12 I believe it's great to hire
13 Philadelphia residents. There's nobody
14 disputing that.

15 But if there isn't enough of
16 them -- I mean, as you said in the
17 beginning, if we have 500 openings now
18 and 900 on the way and we're having
19 lists of only 2,000 people apply and
20 most of them don't make it through the
21 entire process, there's going to be a
22 shortfall. So I think that there's
23 certainly an advantage to giving
24 deference to a City resident to make
25 sure that they're the first candidates.

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1 But as Deputy Wimberly will tell you, we
2 exhaust an entire list every time. So
3 there's never a Philadelphia resident
4 that completely qualifies that ever gets
5 turned away. If they make it through
6 all the stages, they get hired. So It's
7 not outside people taking their place.
8 It's supplementing the vacancies that we
9 have.

10 COUNCILMAN DOMB: Okay. So
11 your idea is to give more preference
12 points to Philadelphia residents and
13 exhaust that whole Philadelphia
14 residency, and then if we have to go
15 outside. But exhaust every
16 Philadelphian for an application
17 basically?

18 DEPUTY COMMISSIONER COULTER: I
19 think that will be the fairest way to do
20 it to satisfy both leads, hire everybody
21 here that's qualified that wants the
22 job, but making sure that Mrs. Jones
23 calls 911, there's somebody there for
24 her too.

25 COUNCILMAN DOMB: Understand.

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1 That's a good idea. Thank you very
2 much.

3 I'm going to go now to my
4 Co-Chair Thomas who I believe has -- I'm
5 sorry, Co-Chair Jones who has a
6 question. Councilmember Jones.

7 COUNCILMAN JONES: Thank you so
8 much, Mr. Chairman. And thank you for
9 your on-point questions that answered a
10 lot of the things that I had on my mind.

11 I want to first thank the
12 Commissioner and her team for the
13 progress I've seen throughout this
14 process to really dig down and figure
15 out how we get more recruits at the
16 Academy. I know the Explorer program
17 works. I will only call this officer
18 Chuck who back in the day was one of the
19 first children to emancipate themselves,
20 lived on his own around 15. But he took
21 it upon himself to be an Explorer. He
22 wound up now as a lieutenant about to
23 retire from the police academy and he is
24 a guardian, you know, in every sense of
25 the word. And I'm very proud of that

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1 program. For a while it was limited to
2 the Academy. It has branched out as I
3 understand to the different districts
4 for accessibility of young people.

5 When it comes to -- I want to
6 drill down to the Community College prep
7 program. Can you give us a little
8 insight to that? I know this is I
9 believe its first year. And what are
10 your hopes for that program?

11 COMMISSIONER OUTLAW:

12 D.C. Wimberly.

13 DEPUTY COMMISSIONER WIMBERLY:

14 Yes, it is in its first year. Most of
15 the classes are geared toward policing.
16 If we can get recruits from that class,
17 then we're definitely going to benefit.
18 Their program, it's only available to
19 those who are already enrolled in
20 Community College, so it's a small pool.
21 However, we have gone there and
22 conducted guest-speaking with their
23 classes. So we're working with them.
24 If they get more students that take that
25 curriculum, then of course that makes

3/21/2022

1 our opportunities larger.

2 COUNCILMAN JONES: We are
3 looking at Lincoln University, Lincoln
4 in Nebraska's model program. They take
5 people outside of students so the
6 general community can apply. It's a
7 cost to it. But they prepare them for
8 everything, including firearms training,
9 the physical aspect of it.

10 And I just want to look at
11 apples-to-apples comparisons to see how
12 we can enrich the Community College
13 program, maybe get a feeder to Lincoln
14 of Pennsylvania and Cheyney of
15 Pennsylvania to get more of our urban
16 youth involved in it.

17 Question, I know the class
18 sizes have shrunk in the Academy. And I
19 think the latest one is 78 participants;
20 is that correct?

21 DEPUTY COMMISSIONER WIMBERLY:
22 Yes, that's the class that's scheduled
23 to graduate in September.

24 COUNCILMAN JONES: And how many
25 of them are African American or Latino?

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1 DEPUTY COMMISSIONER WIMBERLY:

2 I would have to get that breakdown for
3 you, but the class is diverse.

4 COUNCILMAN JONES: All right.

5 How many -- and would you also find out
6 how many are female?

7 DEPUTY COMMISSIONER WIMBERLY:

8 Yes.

9 COUNCILMAN JONES: And get that
10 to the Chairman. I would like to shift
11 a little to some of the barriers that
12 kept cadets of color out. One of them
13 used to be, and this is more of a
14 question, their credit score. Have we
15 eliminated that?

16 DEPUTY COMMISSIONER WIMBERLY:
17 We have not eliminated it, but it is not
18 a category that would preclude them
19 totally from being a police officer,
20 because it's still a concern for us.
21 However, it is not an A, B or C topic.

22 COUNCILMAN JONES: All right.
23 I need a little more clarification. You
24 don't have to do it today but by the
25 budget. Because just because someone

3/21/2022

1 had late fees on their utility bill
2 doesn't necessarily mean they're a
3 candidate for graft and corruption. And
4 I just need to see how the correlation
5 between the two really will impact, so
6 that was one.

7 The other is how are we
8 treating past consumption of marijuana
9 in the questioning as a disqualifier?

10 DEPUTY COMMISSIONER WIMBERLY:
11 So to your first question in reference
12 to their financial situation, it is not
13 about being late or having debt because
14 we all are late from time to time and
15 have debt, and especially coming through
16 COVID people weren't working. But we're
17 talking about people who have large
18 amounts of debt and they are not in a
19 payment plan at all so --

20 COUNCILMAN JONES: So is there
21 technical assistance to do credit
22 repair, for example, to help them get
23 ready to be passing?

24 DEPUTY COMMISSIONER WIMBERLY:
25 We can advise them what they need to do,

3/21/2022

1 but that's definitely on the individual
2 to fix their credit. But they can come
3 back and reapply.

4 COUNCILMAN JONES: So just as a
5 thought, if we tell people in the front
6 end, you know, hey, you better get your
7 credit right, and here are three
8 different technical assistance providers
9 to help you do that, we might increase
10 the number of eligible candidates.

11 DEPUTY COMMISSIONER WIMBERLY:
12 We could do that, but we have to be very
13 careful about giving out names of
14 organizations that are for-profit.

15 COUNCILMAN JONES: Right.

16 DEPUTY COMMISSIONER WIMBERLY:
17 So we just tell them what they need to
18 do to get themselves in a better
19 position to be a recruit. Secondly,
20 your question was in reference to
21 marijuana use. I'm not going to go
22 totally into what our cut-offs are, but
23 that is an area where it is not governed
24 by the state, so we are able to make
25 decisions based on individuals.

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1 COUNCILMAN JONES: Okay.

2 That's good news. Where are we on
3 physical fitness? Are we engaging with
4 people so -- way back in another time,
5 the agility track and field, track
6 running qualification was at the end of
7 training as opposed to the front. How
8 are we dealing with people and their
9 physical fitness? Is there some
10 presuggested YMCA course that they can
11 take so that they're not flunking out at
12 the PT test?

13 DEPUTY COMMISSIONER WIMBERLY:
14 Yes, so the initial agility test, the
15 applicant has to pass a 30 percentile
16 for their age. Prior to taking that, we
17 have information via YouTube through our
18 recruitment department to let them know
19 what their levels are based on their
20 age, what they have to pass.

21 We have a partnership with the
22 YMCA. We also have some of our officers
23 who have gone to different areas in the
24 community to work out with some of the
25 applicants. We're looking to partner

3/21/2022

1 with I think it's Esporta now. We're in
2 conversation with them. One thing that
3 would be beneficial because people are
4 looking for jobs and now we're talking
5 about adding the costs for them to work
6 out, if there was an opportunity from
7 the City that perhaps they can have a
8 30-day membership to get themselves in
9 the physical condition that they need to
10 be in.

11 But through the process once
12 getting in the Academy, at a certain
13 marker they have to be at 50 percent.
14 And before leaving the Academy, they
15 have to pass the entire agility test.
16 But passing the 30th percentile getting
17 in is definitely needed.

18 COUNCILMAN JONES: Can you send
19 the Chairman that physical requirements
20 list so that we can kind of pitch
21 different entities to be able to in some
22 way subsidize that?

23 DEPUTY COMMISSIONER WIMBERLY:
24 Yes, I'll get that to you.

25 COUNCILMAN JONES: Thank you,

3/21/2022

1 Mr. Chairman.

2 COUNCILMAN DOMB: Thank you,
3 Co-Chair Jones, and good questions.

4 I'd like to call upon our
5 Co-Chair Majority Leader Parker.

6 COUNCILWOMAN PARKER: Thank
7 you, Councilmember Domb.

8 Just before I begin with my
9 line of questioning, just want to get a
10 few points of information on the record.
11 And I don't know if Commissioner Outlaw
12 or Coulter would respond to this. But
13 as it relates to a signing bonus, is it
14 accurate that a signing bonus would have
15 to be collectively bargained, yes or no?

16 DEPUTY COMMISSIONER COULTER: I
17 don't know, but we can certainly ask the
18 legal people whether that will be
19 necessary, the contract people. Knowing
20 the bargaining units, they would say
21 that everybody should have gotten one.
22 But I don't know if it's something -- I
23 mean, if it's preemployment before
24 they're actually represented, it may be
25 something that's perfectly okay. If

3/21/2022

1 it's post-employment -- and the only
2 trouble with a signing bonus is we would
3 like people to be required to stay. We
4 wouldn't want to see people get
5 something upfront and then three weeks
6 later decide that they're moving on, so
7 there would have to be some kind of
8 contract putting them into that
9 commitment for at least five years of
10 service or something that will benefit
11 for the Department as well.

12 COUNCILWOMAN PARKER: Okay. I
13 just want to note for the record I had
14 received some information telling me
15 that any sort of signing bonus would
16 have to be collectively bargained
17 specifically because of what you just
18 referenced, because existing officers
19 would say what about a bonus for us.
20 And so, if you can check on that and get
21 a factual response, that would be
22 extremely helpful.

23 Also, want to note for the
24 record, Chairman Domb and Chairman
25 Jones, this concept relative to the

3/21/2022

1 explorers and the cadets that our
2 Commissioner Outlaw knows so well as it
3 relates to the new job classification, I
4 think something is bubbling in the works
5 right now, and we will make sure that we
6 share that with you as soon as the team
7 tells us that it's ready for review.

8 With that being said, I want to
9 go back to this issue of residency. I
10 introduced on behalf of our Council
11 President a bill that applies to civil
12 service new hires and does not affect
13 any existing collective bargaining
14 agreement. This was the law in
15 Philadelphia for 55 years and is still
16 the law for civil service laborers that
17 are represented by District Council 33.

18 I want to note for the record
19 what I said. And I saw Mike Zaccagni,
20 Mike, I saw you pop up on the screen so
21 I want you to be ready when you come up
22 on the next panel because we're going to
23 want you to address this next issue on
24 the record.

25 It is becoming a tad bit mind-

3/21/2022

1 boggling for me when I constantly hear
2 that Philadelphia's waiver process is
3 not adequate enough to fill hard-to-fill
4 job vacancies, the Police Department
5 included, particularly those who have
6 special skills and expertise that is not
7 available. I want someone to tell me if
8 we know that the intent of this body
9 that is included in our hearing
10 documents, the transcript, that a waiver
11 process be utilized and employed by the
12 Police Department or any other
13 department in the City in need of a
14 specific talent that may not be readily
15 available here? Someone is going to
16 have to explain to me why in our
17 promotional material for recruiting
18 there is not in parentheses that a
19 waiver is available if you do not meet
20 Philadelphia's residency requirement.

21 I don't know about you, but it
22 doesn't seem real complex to me. But
23 I'm going to wait to hear a response to
24 that question. Can you all, Wimberly,
25 Coulter, Commish, can you all tell me

3/21/2022

1 what has been the problem with accessing
2 the waiver process as a tool and making
3 it standard operating procedure and
4 putting it very prominently in our
5 recruiting materials?

6 COMMISSIONER OUTLAW: Well, I
7 can address the first part. We
8 obviously can't speak for the Civil
9 Service Commission. But what makes it
10 challenging for us is putting it on the
11 front end. We would love to be able to
12 do that. That waiver is available
13 specifically for in the short-term I can
14 think of those who went away for school
15 for four years and came back or those
16 who went in the military and came back.

17 We as the Philadelphia Police
18 Department cannot guarantee that they
19 will get said waiver. We have to apply
20 for the waiver and then hear back from
21 the Civil Service Commission. So while
22 it will be helpful for us on the front
23 end to be able to say for our
24 advertising and our marketing purpose
25 that you may be eligible, it doesn't

3/21/2022

1 necessarily mean that they'll get this
2 waiver. And now, we've invested in
3 these applicants and they're at a
4 certain point in the process and we're
5 kind of left in limbo. So that's --

6 COUNCILWOMAN PARKER: So,
7 Commissioner, I want to stop you right
8 there. And for the benefit of the
9 viewing public, it's important that you
10 understand what our Commissioner just
11 said. City Council passed a law that
12 employed this City with a tool called a
13 waiver process. And upon passage of
14 that legislation, we readily made
15 available a tool that can be employed by
16 our Civil Service Commission to empower
17 the Police Department, because
18 Commissioner Outlaw just said that she
19 has to apply, well, the Department has
20 to apply to get the said waiver.

21 This sounds like an
22 administrative snafu that could be
23 readily addressed between our HR
24 Department personnel, our Civil Service
25 Commission and any department in the

3/21/2022

1 City of Philadelphia that is in need of
2 a particular talent that may not be
3 readily available. So, Commish, I won't
4 ask you to respond anymore. When
5 Zaccagni comes up, I will definitely ask
6 him about this.

7 I want to go back now to an
8 issue that is extremely important to me.
9 And, Commissioner, I thank you for
10 acknowledging this early on in your
11 testimony. And this is the issue:
12 Obviously, the number of vacancies that
13 we have available, the rate of current
14 police officers retiring, as Coulter
15 reminded us that she'll be in that group
16 in the near future, I want you to tell
17 us, if you will, about how we make
18 readily available beat patrol and bike
19 officers in neighborhoods across the
20 City, and the prominence and importance
21 it would be sort of on your plate as our
22 leader of law enforcement here if you
23 had the complement in order to do it?

24 And, listen, I want to be clear
25 to the public. We are not talking about

3/21/2022

1 GVI. We are not talking about staffing
2 up areas where there are high volumes of
3 crime where you have to deploy the most
4 officers as-needed. We are talking
5 about prevention. We are talking about
6 helping to remove the fear that
7 lawlessness is taking over the City of
8 Philadelphia, and residents and
9 neighborhoods across the City no longer
10 see the presence of that beat officer
11 and the bike patrol officer in their
12 neighborhood signing the law, building
13 and strengthening police and community
14 relations and because those officers
15 know the very small areas that they
16 usually patrol because they're on bikes,
17 they become a part of the fabric of
18 those neighborhoods.

19 So with that being said, can
20 you tell us the total number of officers
21 who are characterized as qualified bike
22 personnel for the Department? And how
23 many bicycles -- and this was asked of
24 me at a meeting, Commissioner, and I was
25 like I don't know, I'm not in the

3/21/2022

1 Department -- do we have in use every
2 day or in use on an average in
3 Philadelphia?

4 COMMISSIONER OUTLAW: Sure.

5 And before I turn it over to D.C. Dales,
6 I just want to acknowledge that I think
7 you hit the nail on the head. Our
8 ability to be visible and to not also
9 serve as deterrents, but also contribute
10 to prevention really goes to how readily
11 or easily we're able to put ourselves
12 not just in the most problematic areas
13 in the City, but even in those parts of
14 the City where it might not be as much
15 of a problem.

16 And we're hearing more and
17 more, I'm hearing more and more, the
18 teams are hearing more and more in our
19 community meetings and in our engagement
20 that people want to see more of us,
21 whether their neighborhoods are dealing
22 with a lot of the violent crime that
23 we're seeing or not.

24 There's also a need to be
25 visible city-wide because of other

3/21/2022

1 issues where they were talking about
2 ATVs, dirt bikes, vehicle enforcement,
3 you know, talking about traffic
4 fatalities, you name it. So there's a
5 benefit for allowing us to not only be
6 visible, but the ability to be outside
7 of a car and on foot so we know who
8 belongs in these neighborhoods. Not
9 belongs in the sense of you live here,
10 you don't, but I know who this child
11 belongs to and I can go knock on their
12 door and say, look what I caught Johnny
13 doing, and having that relationship in
14 the community and then they know who our
15 officers are. And that means the more
16 we're able to do that, the more we're
17 able to increase the discretionary time
18 that our officers have, not just in our
19 in-point areas, but outside of that.

20 D.C. Dales, you want to address
21 the other part about bicycle deployment,
22 what we have and what we don't.

23 DEPUTY COMMISSIONER DALES:

24 Sure, yes. Good morning, everyone. How
25 are you doing, Councilmember Parker?

3/21/2022

1 How are you. And you know I'm a big fan
2 of utilizing bikes and foot beats as
3 well. Just to get you the actual number
4 we are at as far as qualified, we have
5 785 who are qualified to ride a police
6 bike.

7 Out of that 785, that includes
8 from the rank of detective all the way
9 up to Deputy Commissioner which is me, I
10 am bike-trained as well. As far as
11 police officers who are bike-qualified
12 are 624. That's the total number as of
13 now. We did do a survey within the past
14 several years to see how many officers
15 are actually utilizing their bikes.
16 Those who no longer wanted to ride a
17 bike, we pulled those bikes on them and
18 gave them to officers who definitely
19 would love to ride a bike to patrol
20 within our neighborhoods.

21 We do have bike officers
22 assigned across the City almost in every
23 district. Captains utilize them for
24 business corridors and most of the time
25 we're utilizing them to cover down on

3/21/2022

1 our high crime areas, which we know is a
2 big problem in our City. As far as on a
3 daily basis, the number that fluctuates
4 I will say depending on what we need to
5 use them for, we still have to cover
6 down on the school safety zones.

7 We have to cover down on
8 dismissal at problematic schools. We
9 utilize the bikes for business corridors
10 such as down in the Center City area.
11 We definitely have a pretty decent
12 contingency of bikes in Center City.
13 What we're also doing is we're teaming
14 up with security personnel who ride
15 bikes such as Center City District,
16 Jefferson Hospital which is a big plus,
17 that shows more eyes and ears on patrol
18 assisting us with covering the City. So
19 that's where we are right now.

20 But we're also working on an
21 initiative coming up. I'm not going to
22 go in detail, but we're trying to work
23 on a program which is going to start in
24 your area, your District, one of them,
25 where we're going to try to have

3/21/2022

1 dedicated officers which we have
2 community relations officers, but we're
3 going to have a neighborhood police
4 initiative program and we're going to
5 have police officers strictly assigned
6 to those PSAs and pull them away from
7 responding to 911 calls where they can
8 spend at least 30 percent of their time
9 getting to know the community, resolving
10 issues in the community, problem-solving
11 together as a community, because that
12 goes a long way when we work together
13 with the community.

14 COUNCILWOMAN PARKER: Deputy,
15 let me say this to you, one, I
16 appreciate your response because I can
17 remember when other previous --
18 Commissioner Ross, I always viewed this
19 as his baby. And I would argue to you
20 not all of our captains and inspectors
21 at that time had a great deal of respect
22 for our bike patrol and our beat
23 officers. They thought, I think, it was
24 a waste of time and did not value them.
25 And I know you come from a different

3/21/2022

1 place because you started on the ground
2 and you value it.

3 So I think we'll be looking
4 forward during the budget process and
5 your plan. I think you're going to see
6 a holistic plan sort of issued or called
7 for very soon amongst this body. And
8 so, I'll be looking forward to your
9 response because the people in the City
10 of Philadelphia demand it.

11 Mr. Chairman, I'm going to get
12 two other questions on the record. They
13 may not be answered right now. But I
14 want to just note this, that there is
15 clearly a bottleneck and backlog. This
16 is the quality-of-life issue that we
17 talked about earlier regarding the
18 removal of these abandoned cars.

19 You can talk to any District
20 Councilmember, and this is something
21 that we've all been dealing with and
22 trying to get resolved, with many
23 residents reporting wait times of about
24 six to eight months. Now, that may be
25 because the individuals who work in

3/21/2022

1 Neighborhood Services Unit, the NSU of
2 the Department, they have been
3 redeployed because of staffing
4 shortages.

5 So to members of the viewing
6 public who are listening who are calling
7 your District Councilmembers or At-large
8 members about the removal of abandoned
9 cars and you know how this process, how
10 long it's taking, please note that these
11 officers are now being redeployed
12 because of these staffing shortages.

13 And, Commissioner, I just want
14 to get from you a yes or a no; is that
15 factual or not?

16 DEPUTY COMMISSIONER DALES:

17 Yes, it's factual. I can --

18 COMMISSIONER OUTLAW: Yes --

19 DEPUTY COMMISSIONER DALES: --

20 Oh, go ahead, Commissioner. I'm sorry.

21 COMMISSIONER OUTLAW: It's --

22 COUNCILWOMAN PARKER: You're
23 eating into my time. The last thing I
24 want to get on the record is this, this
25 actually happened. Special thanks to

3/21/2022

1 the Philadelphia labor leader who
2 brought this to my attention. There was
3 a City worker who was a custodial worker
4 in a specific department. They were
5 informed that there was an opportunity
6 to take a test to become a Sheriff in
7 the City of Philadelphia.

8 They went to the Police
9 Department. Apparently, that test is
10 given at a Police Department facility.
11 They passed that test and that City
12 worker who was once a custodial worker
13 is now going to be a Sheriff. Talk
14 about being put on a path to self-
15 sufficiency, earning a much higher wage.
16 And because I see Coulter, Outlaw and
17 Wimberly, she -- I want you to know it's
18 a she -- now had an opportunity because
19 she met the requirements to have a life-
20 changing economic opportunity with that
21 experience that she's going to get by
22 being a sheriff, a deputy or just a
23 staffing member of the Department.

24 Tell me, if you will, how
25 aggressive we are amongst City of

3/21/2022

1 Philadelphia employees in attempting to
2 recruit those who are in lower level
3 based on salary positions, no less
4 extremely meaningful, but those who
5 could be on the path and just may not
6 know the opportunity is available? Do
7 we use that as a part of our recruitment
8 strategy?

9 DEPUTY COMMISSIONER WIMBERLY:

10 Yes, ma'am, we do. As a matter of fact,
11 I was a clerk typist when I became a
12 police officer, so I know that path very
13 well. So we are going to other
14 departments, not just the Philadelphia
15 Police Department, the civilian status,
16 trying to get members.

17 COUNCILWOMAN PARKER: Please
18 let us know when you will and send to
19 Chairman Domb some information about
20 what you would say is the percentage of
21 existing City workers who actually apply
22 and ultimately become members of our
23 force. It will be interesting to know
24 how many of our existing Philadelphia,
25 City of Philadelphia employees, attempt

3/21/2022

1 to advance economically.

2 Chairman Domb, thank you so
3 very much for the time allotted. I have
4 some additional questions and I will
5 submit them to you, Mr. Chairman, in
6 writing.

7 COUNCILMAN DOMB: Thank you,
8 Madam Leader. I just want to mention
9 Mike Zaccagni is not testifying, but
10 he's here for questions. If you want to
11 ask him questions, he is available. So
12 it's totally your call.

13 COUNCILWOMAN PARKER: Oh, okay.
14 I'm sorry, Mr. Chairman. I thought he
15 was coming up on the next panel.

16 If you will, Mr. Zaccagni, can
17 you please respond to that issue of
18 Council's intent along with the City's
19 ability to place in our promotional
20 material, especially since I know our
21 Civil Service Commission and our Human
22 Resources Department is extremely
23 concerned about Council's intent.

24 And we've said on the record
25 multiple times, the Council President

3/21/2022

1 has said on the record multiple times
2 that the waiver process should be
3 sufficient and we should be marketing
4 that. That should be a tool that the
5 Police Department doesn't have to ask
6 for. Why isn't it standard operating
7 procedure? And if there is something
8 that this Council has to do, what is
9 that, Mr. Zaccagni?

10 MR. ZACCAGNI: Councilwoman,
11 thank you for giving me the time to
12 speak. I think you know my position on
13 the residency requirements. I think we
14 all want to see opportunities go to the
15 residents of the City. I think that was
16 the intent of Council's legislation. We
17 agree with that.

18 However, there are those times
19 where that just doesn't work from the
20 standpoint of being able to supply
21 enough candidates. We do believe this
22 is also one of those times. We had
23 requested a waiver residency waiver from
24 the Commission for police officer
25 recruits last time. We were able to get

3/21/2022

1 it for that specific test.

2 We're actually going back to

3 them again this Wednesday. This is --

4 sorry, I forgot what day it was.

5 Everything just sort of runs together.

6 When you said it was March 2022, I still

7 think it's March 2020. And --

8 COUNCILWOMAN PARKER: Excuse

9 me, Mr. Zaccagni. I'm sorry for

10 interrupting here. I appreciate you

11 letting me know that you did go to the

12 Civil Service Commission previously.

13 Let me ask you this: Do you have the

14 authority to ask for a semi-permanent

15 use of the waiver process of the Civil

16 Service Commission until Philadelphia

17 has met its full complement of law

18 enforcement officers?

19 So that would mean, Civil

20 Service Commission, we have a public

21 safety crisis in the City of

22 Philadelphia. We need to have a semi-

23 permanent use, a relaxing of our

24 residency requirement and use of the

25 waiver process that the City of

3/21/2022

1 Philadelphia included in City Council of
2 Philadelphia, included in its language
3 because they understood that it's
4 difficult to fill some positions. Can
5 you just grant this to us because we are
6 in the midst of a public safety crisis
7 or is there a legal reason why you can't
8 do that, Mr. Zaccagni?

9 MR. ZACCAGNI: We're actually
10 going -- as I was saying, we're going on
11 Wednesday to ask for another waiver. I
12 know we're asking for at least this
13 list. I believe we have a two-part
14 request that would request the waiver
15 for the police officer recruit also, but
16 I will double check that. So we are
17 going to the Commission this Wednesday
18 to request that waiver so that we can at
19 least give the Police Department some
20 additional support from the standpoint
21 of reaching out to their set of
22 candidates.

23 COUNCILWOMAN PARKER: Thank
24 you, Mr. Zaccagni.

25 Chairman Domb and Chairman

3/21/2022

1 Jones, after hearing Mr. Zaccagni's
2 response -- and Lord knows I appreciate
3 him, he has been a great resource for
4 our City's Department of Human
5 Resources -- I want you to know that I
6 will immediately consult with our
7 Council President. And I will ask our
8 Council President, if appropriate, that
9 we the City Council of Philadelphia pass
10 a resolution calling on the City of
11 Philadelphia Civil Service Commission to
12 grant our Human Resources Department so
13 it can grant the Philadelphia Police
14 Department a semi-permanent relaxation
15 of our residency requirement and for
16 them to employ the use of the waiver as
17 included in the legislation that I
18 introduced on behalf of Council
19 President Clarke that was passed
20 unanimously by our body.

21 And the rationale is plain and
22 simple: The City of Philadelphia is in
23 the midst of a public safety crisis, and
24 that the hiring and retention of law
25 enforcement is essential for us to carry

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1 out our duty to ensure that every
2 resident of the City of Philadelphia
3 feels and is safe.

4 Thank you so very much,
5 Chairman Domb and Chairman Jones. I'm
6 going to get on the phone and off camera
7 with Council President right now. Thank
8 you.

9 COUNCILMAN DOMB: Thank you,
10 Majority Leader. And thank you, Mike
11 Zaccagni, too.

12 All right. Let's continue with
13 our questions. I think Councilmember
14 Isaiah Thomas had a question.

15 COUNCILMAN THOMAS: Good
16 morning to all the Chairs.

17 And thank you to everybody
18 who's here with us today. This is my
19 first time speaking thus far, so I just
20 want to start by offering my condolences
21 to the officers and the other victim
22 involved in the tragic accident last
23 night. We've been working very
24 diligently to try to address the car
25 accident crisis that we're facing in the

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1 City, some of the infrastructure
2 problems. And it's extremely painful to
3 know what took place, and I'm praying
4 for the families and everybody that was
5 involved. And to the officers that are
6 here, I definitely appreciate your
7 service. Specifically, Commissioner
8 Outlaw, it's always a pleasure to see
9 you and to work with you as well.

10 With that being said, I did
11 have a couple of questions that I wanted
12 to jump into. I'll be as quick as
13 possible because I know my colleagues
14 have other questions as well. I wanted
15 to start with Heart and Lung because I
16 didn't have that many questions for the
17 Heart and Lung issue.

18 But one thing that stuck out to
19 me in the midst of listening to
20 testimony was the fact that the officers
21 were the ones who communicated the
22 information to the reporters. So that
23 jumped off the page because I felt like
24 it was alarming that police officers
25 would feel comfortable talking to

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1 reporters, but they're not necessarily
2 having those conversations with internal
3 powers.

4 So I'm wondering what's being
5 done to address that specific concern.
6 And I'm wondering, do we give officers
7 other options? So if a police officer
8 wasn't comfortable reporting to Internal
9 Affairs or communicating issues within
10 the Department to the Department, do we
11 offer them other options that they can
12 communicate them to?

13 I worked in a Controller's
14 Office for a brief stint and I know the
15 Controller's Office was always an option
16 where police officers can report things
17 anonymously. Most people, average
18 citizens don't even know what the
19 Controller's Office is or what they do.

20 So I'm wondering what
21 communication is taking place with
22 officers to let them know what their
23 options are and what are we doing about
24 their issue as far as their level of
25 comfort?

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1 COMMISSIONER OUTLAW: That's a
2 good question. Thank you for that.

3 D.C. Wimberly, I will turn that
4 over to you.

5 DEPUTY COMMISSIONER WIMBERLY:
6 Yes. Good morning, sir. We do have
7 other options and we have communicated
8 them to our Department members. We also
9 have an anonymous line for them to call,
10 so it's really their choice on what
11 direction they want to go in. But
12 either way we're open and always willing
13 to conduct investigations into anything
14 that is illegal in our department.

15 COUNCILMAN THOMAS: Do we feel
16 like they went to reporters because they
17 felt like they had no other means? Has
18 there been any type of -- and maybe you
19 can't share this on the record. But I'm
20 just wondering has there been any type
21 of I guess you can say investigation or
22 digging into this issue?

23 So if it were me, I'm just
24 thinking about, you know, clearly I have
25 a much smaller staff. But if this is me

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1 and I'm in charge of anything where my
2 folks weren't comfortable talking to me,
3 and maybe rightfully so, maybe not
4 rightfully so, but I would be concerned
5 with the level of communication and
6 transparency that's not taking place.
7 And I'm wondering do we feel like
8 anything should be done to address that?

9 DEPUTY COMMISSIONER WIMBERLY:

10 Well, what we can do is be better
11 communicators with our people. However,
12 we do communicate to them the options
13 that are available. And I'm not quite
14 sure if it's the comfort level or if
15 it's just they want to do it that way,
16 but we do have options available for
17 them and we do conduct investigations.

18 COUNCILMAN THOMAS: Thank you.

19 Fair enough. Okay. Moving on to
20 recruitment stuff. I just want to start
21 by adamantly communicating my concern
22 and disagreement around credit score.
23 My name is Isaiah Thomas, right, and,
24 you know. Yeah, right, so clearly I'm
25 not the only person with that name.

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1 And one of the issues that I
2 run into honestly -- this is a genuine
3 problem that I have -- is that there are
4 things that are often put on my credit
5 score that's not me. So somebody like
6 Curtis Jones, to throw him under the
7 bus, is a pretty common name, Curtis and
8 Jones. I can see him also, and maybe
9 not the Councilmember, the other Curtis
10 Jones in Philadelphia having similar
11 issues as it relates to this idea of
12 credit score.

13 I think that that's a really,
14 really bad idea and it puts certain
15 communities and certain people at a
16 disadvantage. I remember we had a
17 reporter Isaiah Thompson, and he would
18 always get communication that was
19 supposed to be for me to him. I think
20 Councilmember Gauthier has a Chief of
21 Staff whose name is very close to my
22 Communications Director, so these things
23 are human error. They happen all the
24 time. And I really just want to push us
25 to revisit credit score being involved

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1 at all in the application process,
2 especially coming out of a pandemic.

3 Moving on -- that was a statement. I'm
4 sorry.

5 Moving on, Commissioner Outlaw,
6 you personally showed me some of the
7 issues that we have around forensics in
8 the City and I've seen it multiple
9 times. We've talked indepth about the
10 waiver process specifically for forensic
11 staff. I'm just wondering how much
12 success have we had as it relates to
13 forensic staff specifically and what is
14 the strategy to try to put us in a
15 position to staff up on forensic staff?

16 COMMISSIONER OUTLAW: Thank you
17 for that. I will defer to Director
18 Garvey on that. I know we requested
19 waivers for our most recent ask. I'm
20 not sure that we've heard back yet on
21 that.

22 But, Director Garvey, you want
23 to chime in.

24 DIRECTOR GARVEY: Hi. Yes,
25 everyone, I can chime in. We have put

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1 in for them. However, we have not heard
2 anything on it. So currently, we cannot
3 hire anyone who does not live within
4 this basic area for one year prior.
5 That basically means we hire brand new
6 trainees every time, which typically
7 takes 12 to 24 months to train. So when
8 we lose someone who's qualified, we hire
9 someone brand new, that takes up to two
10 years to train.

11 COUNCILMAN THOMAS: I see that
12 Council President has joined us. That's
13 extremely alarming. And I think that
14 we're having some miscommunication on
15 our end as well as through various
16 departments as it relates to this issue,
17 so I'm not going to do a deep dive into
18 that because I know other Councilmembers
19 will do a deep dive into that and the
20 waiver process and things of that
21 capacity.

22 Shifting over to the
23 recruitment and the rehiring, I'm
24 wondering what does the Department do
25 when someone has not been hired, right.

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1 So you say that 2,000 people applied and
2 a lot of the Philadelphia residents who
3 apply they don't make it through the
4 process, so I'm wondering what is the
5 formal process as the means of
6 communication to constituents who have
7 not been selected into the Department?
8 Do we tell them what went wrong, why
9 they are denied? I think that is
10 extremely important.

11 And I know firsthand folks who
12 have applied to be police officers, and
13 everybody has had different experiences.
14 So I'm wondering from a consistency
15 perspective, what do we do if someone's
16 not hired?

17 COMMISSIONER OUTLAW:
18 D.C. Wimberly.

19 DEPUTY COMMISSIONER WIMBERLY:
20 Yes. The process that we have now is
21 that the person is notified by Human
22 Resources Department that they are not
23 going to be hired. However, we have
24 been in conversation, as the
25 Commissioner agreed, that we need a

3/21/2022

1 better process in telling the person why
2 they were not hired. So we're still
3 working that process out.

4 COUNCILMAN THOMAS: Just to be
5 clear, it's not part of the Department's
6 policy when someone is not hired for us
7 to communicate to them while they
8 weren't hired?

9 DEPUTY COMMISSIONER WIMBERLY:
10 At this moment, no. But we're working
11 on a better process.

12 COUNCILMAN THOMAS: So that's
13 extremely disappointing. I think that
14 as the City of Philadelphia any
15 department within the City of
16 Philadelphia, especially with all of the
17 staffing issues that we have, when
18 someone is not hired, it should be
19 communicated. And we also know we have
20 issues around trying to recruit people
21 of color, and I think that for us it's
22 important that we do that.

23 And actually thinking about it,
24 at one point we had an officer that was
25 in the Recruitment Department who was

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1 actually involved in the insurrection.
2 And I remember reaching out to the
3 Department to find out what was going on
4 with that. Did we ever get any type of
5 communication as it relates to the
6 officer in the Recruitment Department
7 that was involved in the insurrection
8 and the impact that that person's status
9 and their ability and recruitment had on
10 issues around diversity and inclusion?

11 COMMISSIONER OUTLAW: So a
12 couple of things because you made a
13 couple of points, Councilmember Thomas.
14 So what D.C. Wimberly is referencing
15 about figuring out a very clear way in
16 putting it in policy and, therefore, in
17 practice about notifying people is I'm
18 looking for consistency. So there's
19 nothing across the country, there's
20 nothing standardized where someone sends
21 or gets a letter from the Police
22 Department and says you've been
23 nonselected or you haven't been selected
24 and here are the specific reasons.

25 And it varies from place to

3/21/2022

1 place. You may get something generic.
2 Meaning, that you were disqualified
3 because of something in this particular
4 category. But on a case-by-case basis
5 what we've been doing is if someone
6 asks, we'll give them the detail. And
7 to me, I think it needs to be more
8 standardized than that. So that's what
9 we mean by working on our process of
10 communication because not only does it
11 keep people engaged, but it helps them
12 know maybe I shouldn't apply again
13 because this is something that's a deal
14 breaker.

15 The other piece is you stated
16 that someone in recruiting or background
17 was involved in the insurrection, and
18 that isn't necessarily the case. We did
19 do an investigation into that and we
20 found that the person utilized their
21 technology in a way that wasn't
22 appropriate or within policy, but they
23 were not actually involved in the
24 insurrection itself. But they were
25 transferred out of that particular unit,

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1 and we did an audit of all the
2 background investigations that they've
3 done to ensure that there was no bias
4 there, and we didn't find any.

5 COUNCILMAN THOMAS: Just for
6 the record, Commissioner Outlaw, I know
7 for a fact that there are times where
8 people have requested to know why they
9 weren't hired and that information
10 wasn't communicated. So I just want to
11 put that out there because I know it
12 wasn't happening on a consistent basis.

13 Also, if you could provide some
14 type of documentation, you or anybody on
15 your team can provide some documentation
16 to us about that officer and that
17 particular situation because our last
18 communication actually came at a time
19 when the investigation was still taking
20 place. And I think this is the first
21 time that we've had an opportunity to
22 really have a conversation since the
23 investigation has taken place. And I
24 can see why it's not appropriate for
25 this to be the proper platform to have

3/21/2022

1 that conversation. So if you don't
2 mind, just provide some type of written
3 documentation so we don't have to go
4 into that. That will definitely be
5 appreciated.

6 I'm done. I want to say thank
7 you everybody. My last question as I
8 close out, and this is just a question
9 that I'm not sure the answer to and I'm
10 wondering if other folks, if you guys
11 know, when someone has the Heart and
12 Lung situation and you do investigate
13 and you find that the situation is one
14 that's problematic, I'm wondering what
15 the consequences are for those officers
16 that might be involved in that because
17 there's been no clear communication as
18 it relates to the consequences?

19 And Barry said earlier when
20 asked by a Councilmember that the
21 numbers were normal and they did not
22 see -- I think it was our Chair
23 Councilmember Domb, he said the numbers
24 were normal and they hadn't seen an
25 increase in appeals or challenges that

3/21/2022

1 they've had to applications. If he can
2 quantify that, that will really help.
3 I'm not quite sure what his normal is,
4 and that will help as well too.

5 And then the last thing, I'm
6 sorry, Councilmember Parker asked for
7 information as it relates to what's the
8 process as far as recruiting City
9 employees to join the Police Department.
10 I heard D.C. Wimberly say she came from
11 that same type of ranking, which I think
12 is amazing. I'm wondering what
13 departments do we have the most success
14 with. I'm not asking for an answer for
15 that right now.

16 When you follow up with our
17 Majority Leader's information, if we can
18 also have what departments we have the
19 most success with, I think that will be
20 useful information as well too as it can
21 help us target our recruiting and be
22 more specific.

23 Thank you, Mr. Chair. I
24 appreciate it. And again, to all of the
25 officers and City workers on the call,

3/21/2022

1 thank you for your services. Definitely
2 very much appreciated.

3 COUNCILMAN DOMB: Thank you,
4 Councilmember Thomas.

5 I want to recognize our Council
6 President Darrell Clarke has a question.

7 COUNCIL PRESIDENT CLARKE:
8 Thank you. Thank you, Mr. Chair. And
9 good morning to everyone.

10 So I wasn't planning on getting
11 on this hearing, but I kind of heard
12 somebody talking about residency. And
13 I'm going to be a little rough here.
14 And I'm rarely a little rough,
15 particularly as it relates to the police
16 because they can get rough back. This
17 whole possible issue with respect to the
18 residency being an impediment and being
19 able to get adequate number of police
20 recruits, and I listen, but I don't
21 believe it.

22 Recently there was a form put
23 together by Attorney General Josh
24 Shapiro and that issue came up. But the
25 simple reality is that the conversation

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1 was around the generalization of the
2 inability to get police recruits, and
3 that was statewide. It wasn't just a
4 Philadelphia conversation. But somehow
5 out of that conversation, it came off as
6 only Philadelphia had problems and that
7 was relating to residency.

8 The simple reality is when we
9 moved forward on this and as I was
10 talking to Councilwoman Parker early on
11 in this conversation, this whole thing
12 started as a result -- and this is not
13 new, we were finally able to get enough
14 votes to be supportive, is the fact that
15 for too long the Police Department
16 didn't reflect the demographics of the
17 City of Philadelphia. And I'm not just
18 talking about race, but clearly race was
19 an issue.

20 I'm talking about the culture.
21 I'm talking about understanding a city
22 that has the level of complexity that
23 the City of Philadelphia has, and Lord
24 knows we have some serious complexity in
25 the City, so we were attempting to

3/21/2022

1 address that issue by imposing a
2 residency, just like all the other
3 representatives and City workers.

4 At the end of the day my
5 understanding, and Commissioner, correct
6 me if I'm wrong, we have around 2500
7 active inquiries or applications. I
8 think we usually do maybe as many as 400
9 recruits a year. I don't understand why
10 we can't get 400 people out of 2500.
11 And if that's the case, then we have a
12 challenge either with the testing, we
13 have a challenge with the process, we
14 have a challenge with the education
15 system in the City of Philadelphia.

16 There was some reference made
17 to issues with respect to people going
18 away to college, people going into the
19 military and then coming back and having
20 to start all over again. We concur that
21 person should be listed as, and as a
22 matter of fact we will be introducing
23 legislation to reflect that to address
24 those issues. And as we've said, if you
25 all have any other proposed amendments,

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1 we are more than willing to address
2 that.

3 But this issue around
4 residency, I'm a firm believer of how
5 important you think something is, is how
6 many resources you throw at it. And by
7 that I mean this whole recruiting
8 process. And correct me again if I'm
9 wrong, the dollars that were spent on
10 the recruiting process by the Police
11 Department/Civil Service Commission,
12 whomever is less than \$15,000. That
13 tells me that that's not a serious
14 attempt.

15 The bottom line is City Council
16 has been running the campaign over the
17 last year. So we've ben doing these
18 promos about wearing masks and we've
19 been doing promos about getting boosted.
20 The most recent one, getting your
21 booster shot. We spent \$25,000 on the
22 radio, far more than the alleged
23 \$15,000. So if you're serious about
24 this, then you need to be serious about
25 it by throwing resources at it.

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1 I talked to one of the captains
2 that talked about a process that he was
3 working with -- I won't call his name, I
4 don't want to get him in trouble --
5 about how we can better get recruits.
6 So I believe that we need a strong
7 police force. I've been around for a
8 minute. I represent the 22nd Police
9 District. The people in the 22nd Police
10 District, they're not talking about
11 defunding the police. They're talking
12 about where are the police when all this
13 activity is going on.

14 So I need to hear the real
15 argument and I need to get some level of
16 recommendations for something that
17 works. But this notion about not having
18 enough people to get a class and you got
19 1.6 million people in the City of
20 Philadelphia is just beyond me. So I
21 just had to jump in on that because this
22 is just not something that pass muster
23 with me.

24 And I know I'm just one voice,
25 but I'm sure that there are a number of

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1 other individuals that have similar
2 concerns about providing opportunities
3 to people outside the City of
4 Philadelphia when we have so many
5 qualified people in our City that should
6 be in position to take these jobs and
7 understand the City, that reflect the
8 demographics of the City.

9 So that's all I wanted to say,
10 Mr. Chairman. I can respond or I don't
11 know if any members of our fine
12 hierarchy in our Police Department want
13 to respond or reference anything in
14 particular.

15 COUNCILMAN DOMB: Council
16 President, I agree and I think we all
17 agree that we need to invest more money
18 in the marketing of these opportunities,
19 especially considering the size of our
20 budget and the amount of officers
21 available. I don't know if you heard
22 earlier. I mentioned we might need to
23 go outside and hire a marketing firm to
24 target market who we want to apply for
25 these positions.

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1 COUNCIL PRESIDENT CLARKE: I'm
2 sorry, Mr. Chair. I didn't mean to
3 interrupt you. You're speaking of
4 marketing. I just got a text. They
5 said they have a \$94,000 budget for
6 marketing in recruiting. I don't
7 know -- I'd like to see the breakdown of
8 that and how it's being spent.

9 Too frequently we know -- and
10 I'll turn it back, I'm sorry,
11 Mr. Chair -- that consultants
12 traditionally get a bulk of the money
13 and we don't spend the money where it's
14 most needed. I'm sorry, Mr. Chair. I
15 just wanted to say that.

16 COUNCILMAN DOMB: Okay. I
17 think Deputy Commissioner Wimberly had a
18 breakdown of that budget of \$94,000.
19 Can we put that up for a minute?

20 COUNCIL PRESIDENT CLARKE: That
21 would be good.

22 COMMISSIONER OUTLAW: I can
23 share my screen. Can you guys see my
24 screen?

25 COUNCILMAN DOMB: Yes.

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1 COUNCIL PRESIDENT CLARKE: Yes,
2 I can.

3 COUNCILMAN DOMB: This might
4 still be low under the advertising
5 piece, making sure we get the word out.
6 You might want to revisit that. And
7 maybe the other thing we can do is to
8 each one of the Councilmembers, maybe we
9 can get them more information so they
10 can post on their own social media pages
11 to help the Police Department.

12 COMMISSIONER OUTLAW: That
13 would be great.

14 COUNCILMAN DOMB: Yeah.

15 COUNCIL PRESIDENT CLARKE:
16 Mr. Chairman, if I may.

17 So in actual advertising
18 dollars, you are spending 24,000,
19 Commissioner?

20 COMMISSIONER OUTLAW: That's
21 what that breakdown for this contract
22 is, yes.

23 COUNCIL PRESIDENT CLARKE: So
24 that's low. The 45,000 is the software.
25 That's not straight-out advertising.

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1 That's just tracking the system. So
2 what I'm talking about is advertisement.

3 COMMISSIONER OUTLAW: We'll be
4 happy to go back and revisit that
5 number, sir.

6 COUNCIL PRESIDENT CLARKE: I'm
7 just -- people don't know about the
8 opportunity, you know. As much as we
9 like our government website, the simple
10 reality is that's not preferred reading
11 by most people because sometimes you got
12 to get down and dirty and flood the
13 airwaves, the social media, whatever the
14 likelihood is to reach people.

15 COMMISSIONER OUTLAW: And these
16 numbers here I just want to point out
17 these are just requests because they're
18 not actually funded. So this was the
19 budget ask that we had moving forward
20 and a justification for Fiscal Year '23,
21 but we'll definitely go back and revisit
22 that.

23 COUNCIL PRESIDENT CLARKE:
24 Yeah, I'd just like to know what we
25 spent prior to because I was told it was

3/21/2022

1 11,000.

2 COMMISSIONER OUTLAW: Okay.

3 COUNCILMAN DOMB: One of the
4 areas we need to improve I think is on
5 the social media, especially Instagram
6 and other media forms. Because when I
7 looked at the Philly Police Department
8 Instagram, not the hiring one, but the
9 Philly Police Department, the last I
10 think post was in November for new
11 recruits. So I think we should be
12 pounding that out every day almost to
13 get people. That's a people market.
14 It's consistent everyday marketing of
15 information.

16 All right. Good points,
17 Council President. Thank you. Did you
18 have another question?

19 COUNCIL PRESIDENT CLARKE:
20 Yeah. I don't want to monopolize the
21 conversation because I jumped in late.
22 So, Councilman Squilla, I think he had
23 his hand up. It was the same pew,
24 different prayer, so I can wait until --

25 COUNCILMAN SQUILLA: No. Go

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1 ahead, Council President.

2 COUNCIL PRESIDENT CLARKE: All

3 right. No, the other issue had to do

4 with Police Department

5 personnel/deployment. That was another

6 thing that we've been talking about for

7 a long time, and I know the FOP hates

8 every time we bring this conversation

9 up. The simple reality is we have

10 Police Department members trained to the

11 max, best-trained people actually doing

12 things as directing traffic and writing

13 tickets for abandoned vehicles,

14 delivering mail.

15 All due respect with a city

16 that is on a record pace again for

17 homicides when we have police officers

18 doing things that other civilian

19 personnel could be doing, you know, we

20 need to do that. I mean, we passed an

21 ordinance. We passed a Charter change.

22 And this is not on the Police

23 Department. This on the Administration.

24 And we put money in the budget for

25 public safety officers that can do a lot

3/21/2022

1 of this activity. And to my
2 understanding, they have yet to hire a
3 single person.

4 So if you're telling me, and
5 based on again that there potentially
6 could be 300 people that apparently are
7 sworn, trained, to the finest police
8 officers that are doing work that is
9 inconsistent with crime prevention and
10 providing security to the City of
11 Philadelphia, I don't understand why we
12 can't address that in a meaningful way
13 to get these folks back on the street
14 where we need them as opposed to doing
15 other types of activity. So I just
16 wanted to put that out there.

17 Mr. Chairman, I promise I'm not
18 going to say anything else. Thank you.
19 Thank you, Councilman Squilla, for
20 deferring.

21 COUNCILMAN DOMB: Thank you,
22 Council President.

23 In the queue right now, we have
24 Councilmembers Gauthier, Sanchez,
25 Brooks, Gym, Bass and then Squilla. So

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1 let me go to Councilmember Gauthier next
2 for questions.

3 COUNCILWOMAN GAUTHIER: Thank
4 you, Mr. Chair. And thanks also to the
5 sponsors of this resolution.

6 I wanted to go back to the
7 issue of the Heart and Lung program. I
8 know we've talked about this a lot. And
9 I know that, Commissioner Outlaw, you
10 and your team have talked a lot about
11 what you're doing to investigate the
12 individual cases. But I'm wondering
13 given the reporting by the Inquirer and
14 some of the things that we've seen, as
15 opposed to just taking a stronger stance
16 in investigating individual cases, are
17 we looking at any broader policies or
18 systems change with relation to the
19 program?

20 Are you looking at things like
21 putting a cap on how long an officer
22 might stay out on this type of leave?
23 Are you looking at capping the number of
24 claims that people can make with respect
25 to this benefit? Are you looking at

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1 putting in place any system-wide
2 adjustments that would help on how we
3 monitor this? Aside from the
4 individual, are we looking at system-
5 wide policies and changes?

6 COMMISSIONER OUTLAW: So I can
7 tell you really quick -- thank you,
8 Councilwoman Gauthier, for that
9 question. In our last round of
10 negotiations, we made the definition for
11 what an injury is under Heart and Lung,
12 I think a little bit more restricted,
13 and we're hoping that that will change
14 things moving forward.

15 As far as the other
16 requirements, Barry, I saw you hop on.
17 Did you want to address that on what we
18 can and can't do?

19 MR. SCOTT: I'm happy to.
20 Thank you, Commissioner. Thank you,
21 Councilmember Gauthier. We are doing
22 everything we can within the law that
23 has been established, the state law and
24 the requirements for a due process
25 hearing for officers who have received

3/21/2022

1 this benefit to have that benefit
2 terminated or modified.

3 So on an individual basis, we
4 are following up on those cases where we
5 have, where we see folks are sort of out
6 too long and trying to get them back to
7 work. But we are not able to sort of
8 wholesale say that you can't have the
9 Heart and Lung benefit, that you can no
10 longer receive more time.

11 It was one of the challenges of
12 the law that it is a benefit intended
13 for temporary disabilities. And in
14 fact, when someone has a permanent
15 disability, they need to go off of the
16 benefit, but we have some individuals
17 who have had temporary disabilities that
18 have lasted for years, and we believe
19 that's not the intent of the law. And
20 so, we have been trying to prosecute
21 those cases to try to terminate that
22 benefit, presenting our evidence in
23 front of a finder of fact of an
24 arbitration panel in order to terminate
25 those benefits. So, yes, we are doing

3/21/2022

1 everything we can to sort of legally
2 terminate those benefits in a way.

3 COUNCILWOMAN GAUTHIER: Do you
4 see that there are any tweaks needed to
5 the law to make it more conducive to how
6 we need business to operate in the City
7 of Philadelphia? And if so, what would
8 need to happen to get those tweaks done?

9 MR. SCOTT: So the law is a
10 state law, so we would really need the
11 state legislature to act in order to
12 change elements of the law to have some
13 of those things happen. And it's a
14 little bit frustrating because there
15 is -- so the Bureau of Workers'
16 Compensation under the State Department
17 of Labor and Industry enforces and
18 establishes regulations about how
19 Workers' Comp. is handled, but there is
20 no such similar agency that controls
21 Heart and Lung. And so, consequently
22 that's not as controlled.

23 And ideally, if the legislature
24 were to bring the Heart and Lung law
25 under the jurisdiction of the State

3/21/2022

1 Bureau of Workers' Compensation of the
2 Department of Labor and Industry, that
3 is something which might enable some
4 better controls to be in place, make
5 sure that workers can get their benefits
6 that they need when they're injured, but
7 it is not sort of disrupting workplaces
8 across the state.

9 COUNCILWOMAN GAUTHIER: Have we
10 interfaced with anyone to your knowledge
11 or to anyone on the team's knowledge
12 with anyone on the state legislature
13 about this particular problem?

14 MR. SCOTT: So I'm not aware.
15 We have raised this issue. I'm not
16 aware that the legislature has really
17 sort of opened their doors to this
18 issue.

19 COUNCILWOMAN GAUTHIER: Thank
20 you. Commissioner Outlaw or anyone else
21 who can answer this question, do you
22 have vacancies in the Department broken
23 down by police district?

24 COMMISSIONER OUTLAW:
25 D.C. Dales, do we have that by District

3/21/2022

1 or by ROC?

2 DEPUTY COMMISSIONER DALES: I

3 have that by District, ROC, Division.

4 COUNCILWOMAN GAUTHIER: Okay.

5 Offline I would love to have an

6 understanding of how those vacancies

7 relate to the police districts that are

8 represented in the 3rd District. And

9 I'm sure other members of Council would

10 want the same regarding their Districts.

11 Can you also talk about how are

12 vacancies filled by District? And what

13 process is there in place to make sure

14 that the Districts that are most

15 struggling right now are given adequate

16 attention?

17 COMMISSIONER OUTLAW:

18 D.C. Dales.

19 DEPUTY COMMISSIONER DALES:

20 Yes. So when a class graduates, we look

21 at the vacancies. In our most busier

22 districts -- when I say busier

23 districts, the ones that are

24 experiencing a high level of violent

25 crime -- we will actually assign those

3/21/2022

1 officers to those districts. But in the
2 meantime until the class graduates,
3 we're utilizing other special units.
4 Units that normally work in a plain
5 clothes capacity, put them in uniform to
6 cover these problematic districts such
7 as Civil Affairs, for example.

8 We utilize Neighborhood
9 Services. Sometimes we have to use PAL
10 officers, so we're using special units
11 across the City to fill in these
12 vacancies. And on top of that, we also
13 hire officers to work overtime. They
14 either work extended tours or they work
15 on their day off, so that's how we fill
16 those vacancies.

17 COUNCILWOMAN GAUTHIER: How
18 often are we making those assessments?
19 So for instance, we had heard a lot
20 about vacancies in the 18th District
21 where we had, you know, I think it's
22 been reduced recently, but we still have
23 a significant amount of gun violence.
24 And it was hard for me to wrap my mind
25 around what the process is to fill those

3/21/2022

1 vacancies and how often we're taking a
2 shot at that and coming back to the
3 table to try to make sure we have
4 adequate coverage.

5 DEPUTY COMMISSIONER DALES:

6 Yes. And Southwest is usually at the
7 top of our list as far as once classes
8 graduate from the Police Academy, we
9 pretty much send them to Southwest
10 because it is a very busy division as a
11 whole, so we do send personnel to that
12 location. And I would say Southwest is
13 one of the divisions that receives
14 significant amount of resources from our
15 special unit such as highway patrol.
16 We're even utilizing canine officers,
17 SWAT, you name it, they're in Southwest
18 as well.

19 And on top of that, we're
20 working with our local and state federal
21 parts to assist us with issues in
22 Southwest as well and other parts of the
23 City, but since you're talking about
24 Southwest, Southwest is definitely being
25 focused on.

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1 COUNCILWOMAN GAUTHIER: Thank
2 you. It would be great just to have a
3 better and more explicit understanding
4 of that maybe after the hearing.

5 DEPUTY COMMISSIONER DALES:
6 Yes. And I can send all the
7 Councilmembers a breakdown of the
8 vacancies within each district across
9 the City.

10 COUNCILWOMAN GAUTHIER: Thank
11 you. And lastly, I wanted to talk more
12 about recruitment. I certainly
13 understand the challenges with
14 recruiting locally that you all have
15 laid out, and we've talked a little bit
16 about things to make the offer more
17 attractive, whether that's a sign-on
18 bonus or amping up our advertising to
19 get the word out there. But it strikes
20 me that in looking at the data, you
21 know, even with the challenges that you
22 all are outlining around local hiring,
23 we're still having a significant amount
24 of people apply, but we're turning away
25 a lot of people. And we're turning away

3/21/2022

1 in particular a lot of diverse
2 candidates.

3 It's very striking to me the
4 amount of Black males and Black females
5 that didn't make it past the reading
6 test. It was striking to me the amount
7 of people that didn't make it past sort
8 of the physical agility test. And to
9 me -- I know that the folks working on
10 recruitment, I've only had very positive
11 interactions with D.C. Wimberly and with
12 other people who are working in that
13 unit, but it seems like it might warrant
14 taking just a much deeper dive into why
15 people are not getting past these
16 various stages of recruitment.

17 And it also seems that we might
18 look at or whether we're doing as much
19 as we can to get people past these
20 various stages. I heard that we're
21 working with Temple and we're setting up
22 a program with CCP on a reading test,
23 but is there anything we can do right
24 now to further understand why folks
25 aren't making through the reading

3/21/2022

1 portion of the test and right now work
2 with folks who have applied before to
3 get them to a level where they can get
4 through? Is there anything we can do
5 right now on helping people with their
6 credit?

7 I heard one member of the team
8 talk earlier about not being able to
9 refer to for-profit companies. That's
10 something we should be able to figure
11 out. If we're saying we need more
12 police and we need to fill these
13 vacancies, then I think we have to be
14 incredibly creative or at least try to
15 be creative and as flexible as possible
16 on every area of this process that's
17 giving us an issue, right.

18 I heard someone throw out, oh,
19 can we work with the City on like a
20 30-day gym membership. I don't know.
21 We should be looking at that, right. If
22 this is such an important issue right
23 now, then perhaps we need some kind of
24 ad hoc task force or something with all
25 the folks who can make these decisions

3/21/2022

1 or relax some of these decisions where
2 appropriate to make sure that at every
3 area of this process we're doing as much
4 as we can to get local hires or local
5 applicants through.

6 So I just want to make sure,
7 you know, I know the people who are
8 working on recruitment, they're working
9 within established lines and boundaries.
10 Does there need to be more of an effort
11 to sit down with those folks and to
12 think about what we can do in a very
13 creative way to get more local folks in
14 and to get them in right now? It seems
15 like we're at a point in the City where
16 we have to be working at this in maybe
17 more of an urgent way.

18 COMMISSIONER OUTLAW: I can
19 just jump in really quick. I'll show my
20 screen one more time to bring that slide
21 back up. But as you know, there are
22 some areas where we have some discretion
23 and flexibility and there's other areas
24 where we don't, right. So a lot of
25 things are required by the state.

3/21/2022

1 So when we talk about the 570
2 people that failed the reading and the
3 agility test, we need people to pass
4 these tests. And I think the pilot that
5 we're talking about with incorporating
6 these other reading tests to see if we
7 find other successes through use of the
8 other tests as opposed to the one that
9 we're using now, I think that is short-
10 term.

11 I think us working with the
12 YMCA and then providing workshops for
13 every stage of this process so we can
14 tell people ahead of time, hey, this is
15 what you need to clean up or this is
16 what you need to work on, I think that's
17 what we can do in the short-term. I
18 think your suggestion about other things
19 that the City could do to help bolster
20 our recruitment efforts is a really good
21 and really strong idea, and I look
22 forward to diving more into that.

23 But trust me, we're doing
24 everything that we can within these
25 parameters, within what the state allows

3/21/2022

1 us to do and what it allows us not to
2 do. And I just want to touch back on
3 the credit report piece. So there are
4 areas of discretion in these background
5 processes. And I think because not only
6 have we moved with even more intention
7 with how we recruit, how we market, the
8 conversations we're having with people,
9 we've seen some successes in these most
10 recent classes.

11 The other thing is that it's
12 totality of circumstances. A bad credit
13 report or a ding on a credit report does
14 not necessarily mean that someone is
15 going, you know, not going to be a
16 police officer. And we all know, we
17 acknowledge that that has impact on the
18 diversity that we recruit as well that
19 we're able to get in these classes.

20 So again, I want to make very
21 clear it's not just any one particular
22 thing. It's a totality of
23 circumstances, we're looking for things
24 and patterns. And if somebody has --
25 we're hoping and that's why I was

3/21/2022

1 acknowledging in the beginning when I
2 went through the slide deck, we've got
3 to do better with engaging people and
4 maintaining engagement.

5 So if I recognize that
6 Applicant A has some things that they
7 need to fix and they may not make this
8 next class, I'm going to make sure that
9 we still have a hand in their efforts so
10 that they'll be ready for the next one.
11 And that's why that tracking software
12 that we're asking for, that \$45,000 is
13 so important because we're still doing
14 stuff on a clipboard and spreadsheets.
15 And that's really not what a 21st
16 century police department is doing
17 nowadays.

18 COUNCILWOMAN GAUTHIER: I
19 appreciate that. And I want to be very
20 clear that I'm not saying I want
21 officers who can't read or who are not
22 in good physical shape. I'm not saying
23 any of that. I'm just saying that
24 before -- I think we need to be very
25 clear that at each stage of this process

3/21/2022

1 we did everything we could, and I'm not
2 just talking about members of your team
3 that are working by certain rules that
4 have been imposed by them.

5 I'm talking about members of
6 your team with members of the City, with
7 members maybe of the broader community
8 that can say, here is where people are
9 getting caught, here are some things
10 that we can put into place and do
11 together to get people through right
12 now, right.

13 I mean, on the -- moving people
14 through the system, have we thought
15 about maybe folks needing more, I know
16 you're looking for technology, but maybe
17 folks need more handholding. Maybe
18 there needs to be someone that is in
19 more communication with people as
20 they're going through this process to
21 move them through.

22 I just want to make sure that
23 we've exhausted every single part of
24 this process in our ability to support
25 especially diverse candidates through it

3/21/2022

1 before we come up with, you know, before
2 we move on to putting more money into
3 getting people from other places. I
4 just don't know if we have fully
5 exhausted our ability to get local
6 applicants through.

7 COUNCILMAN DOMB: Okay. Thank
8 you, Councilmember. Any other
9 questions?

10 COUNCILWOMAN GAUTHIER: No, I
11 don't have anymore questions. Thank
12 you, Mr. Chair.

13 COUNCILMAN DOMB: All right.
14 Thank you.

15 I do have a question,
16 Commissioner, on that chart that you
17 just had up. I just want to make sure
18 that I understand myself. It looked to
19 me like when I was doing the math you
20 had 3700 candidates roughly, 3798. When
21 you do the math, only 2 percent of the
22 actual candidates were hired and 7
23 percent are the ones that showed up.
24 Why are three-quarters of the people not
25 even attending orientation?

3/21/2022

1 COMMISSIONER OUTLAW: So I
2 think that goes back to -- and I'll
3 allow D.C. Wimberly to chime in. That
4 goes back to the engagement piece. When
5 you think of the military for example or
6 a private sector, not only are they
7 hiring quickly, the timeline is far more
8 condense. Our hiring process is
9 extremely long. And by the time we get
10 to some of these people on these lists
11 or we pick up a phone and call them,
12 they've already moved on to the next job
13 because they're hiring much more
14 quickly.

15 The other piece is that we have
16 to maintain engagement from the time
17 that they show interest to the time that
18 they make it to the process. And again,
19 that's something that technology will
20 allow us to do, help us do and allow us
21 to kind of refocus our efforts. That's
22 clearly somewhere that we need to
23 strengthen.

24 COUNCILMAN DOMB: If I was a
25 candidate and I indicated I was a

3/21/2022

1 candidate, what's the time frame to go
2 to orientation once you're a candidate?

3 COMMISSIONER OUTLAW:

4 D.C. Wimberly.

5 DEPUTY COMMISSIONER WIMBERLY:

6 Yeah. So say you signed up in March, we
7 have to wait until we get the list from
8 OHR. So that could possibly be a couple
9 months before we get the list from
10 March, and then we begin contacting the
11 candidate starting with No. 1 down
12 through the list, so it may be three,
13 four months before we contact you to
14 come for the initial orientation, and
15 that's where you would take the agility
16 test and the reading test.

17 We start emailing the
18 applicants once we get their information
19 to let them know what we're doing with
20 the process, make sure that they know
21 what the qualifications are, what is
22 expected of them at the orientation. So
23 it could be four months or longer.

24 COUNCILMAN DOMB: That sounds
25 like a real problem. I mean, think

3/21/2022

1 about it. You're applying for a job and
2 you got to wait four months before
3 somebody gets back to you. You're done,
4 you're going somewhere else.

5 DEPUTY COMMISSIONER WIMBERLY:

6 That's why we need the system, the
7 software which would help us be in
8 contact with them sooner and more.

9 COUNCILMAN DOMB: But what can
10 we do on our end to speed that up?

11 DEPUTY COMMISSIONER WIMBERLY:
12 Provide the money.

13 COUNCILMAN DOMB: No, I'm
14 saying the four months. Why is it four
15 months? Is it strictly the four months;
16 is that what it is?

17 DEPUTY COMMISSIONER WIMBERLY:
18 So the time frame is something that goes
19 on in OHR where Mike Zaccagni works.
20 It's something that they have to do with
21 their system and put things together to
22 provide us the list.

23 COUNCILMAN DOMB: So my
24 suggestion is we need to cut that down
25 to two to three weeks. People can't

3/21/2022

1 work -- this is a day in age where
2 people don't wait.

3 MR. ZACCAGNI: Councilman, did
4 you want me to --

5 COUNCILMAN DOMB: Sure. Here's
6 my goal: My goal today is for us to be
7 productive. And I want to figure out
8 how we can cut down dramatically this
9 time frame. You don't have to answer it
10 now, but that's really the goal.

11 MR. ZACCAGNI: Right. So the
12 average time for us to get all lists out
13 is under 40 days. I think it's actually
14 around 35 or so. I'll meet with the
15 Department again to talk about some of
16 the delays with this. I think that it's
17 probably some communication perhaps and
18 also some shared responsibility from the
19 standpoint of looking through the lists,
20 getting dispositions back, there's a
21 whole process. But we can certainly
22 meet with Police again to talk how
23 quickly they can request, and we'll turn
24 that around as soon as we get those
25 requests for certifications to the

3/21/2022

1 Department.

2 We're trying not to hold things
3 up while we're waiting to see what the
4 disposition is for any one candidate,
5 because we know that they go through
6 their lists so quickly and they do have
7 so many people who don't show. So we do
8 try to get that out to them as soon as
9 we get the requests, but we'll certainly
10 meet with both D.C. Wimberly and
11 D.C. Coulter again to talk about this.

12 COUNCILMAN DOMB: That's great.
13 Just the goal is to cut it down
14 dramatically and make this process
15 smoother.

16 MR. ZACCAGNI: We don't
17 disagree with you.

18 COUNCILMAN DOMB: Thank you
19 very much.

20 Okay. Councilmember Quinones-
21 Sanchez has a question.

22 COUNCILWOMAN QUINONES-SANCHEZ:
23 Thank you, Mr. Chair.

24 And I also want to re-emphasize
25 the point that both Councilmember

3/21/2022

1 Gauthier and you have made around this
2 process and as Council President Clarke
3 said, we're in a crisis and we can't
4 keep acting as though we're not
5 competing with the rest of the country
6 and other cities around this. And if we
7 want this to be a priority, having a
8 plan that outlines predictability for
9 candidates is hugely important.

10 Prior to the residency issue,
11 there was a lot of debate around the
12 test, and I'm happy to hear that there's
13 some drilling down on what tests we use
14 and if there's any other options. We
15 all know the history of testing as it
16 relates to people of color, some of the
17 educational challenges that we have.
18 I'm happy to hear that.

19 But I also would like, and
20 maybe this is for the budget time, sort
21 of like when the drop-offs are
22 happening, what are the points and how
23 are they having a disparate impact of
24 the people we're trying to reach of
25 color and Philadelphians in the

3/21/2022

1 background investigation. We used to
2 spend a whole lot of time debating the
3 whole process. So again, in your plan
4 for how do you make four months more
5 condense, I'd like to hear a little bit
6 about that as we move forward.

7 I wanted to go back, and if
8 Barry Scott could come back, around the
9 medical situation. Barry very
10 eloquently explained the process, but he
11 didn't give me or I didn't hear any of
12 the accountability points. There are
13 doctors, there's data, just like we know
14 who abuses overtime, there are doctors
15 who have a trend. Are we able to remove
16 those doctors from the list?

17 I mean, this is very similar to
18 the opioid addiction, right. We've got
19 bad actors on all sides, right. What
20 are our options around removing people
21 making these decisions that hamper our
22 ability to ensure a good prognosis, we
23 want people to be healthy, but also move
24 people along in this process? And
25 explain to me are we able to remove

3/21/2022

1 doctors, has this happened before and
2 why?

3 MR. SCOTT: Thank you,
4 Councilwoman. Good morning or good
5 afternoon now. We have been working
6 with our third-party administrator who
7 has the contract with the doctors to
8 address where we see the doctors not
9 performing as they should. And that
10 has -- and we have in some cases been
11 able to address that on a case-by-case
12 basis.

13 We have some of the -- one of
14 the provider sites that actually has
15 just two providers left the site. One
16 provider left in December and another
17 provider gave us notice at the beginning
18 of this month that they were leaving at
19 the end of this month, and that is one
20 of the sites that has been a concern.
21 And we are working now to make sure that
22 those patients who are currently under
23 care get care so that they can continue
24 to heal and recover and get back to
25 work.

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1 And so, we are working very
2 diligently in order to get the doctors
3 to work in a way. And again, we are not
4 trying to get people back at work when
5 they can't do the work. That doesn't
6 help us at all because they need to be
7 able to do the work. And so, we're
8 working to make sure the doctors are
9 providing the appropriate direction,
10 care and support for those employees to
11 get back to work as soon as it's
12 appropriate.

13 COUNCILWOMAN QUINONES-SANCHEZ:

14 I appreciate that, Barry. But again,
15 I'm looking for the accountability. You
16 know, at a certain point there's data.
17 The data is there. There's a certain
18 type of injury. All of the injuries
19 related to the Police Department,
20 there's a pattern and there's
21 categories. There should be some
22 tracking and there should be some swift
23 way of us saying, this is a problem,
24 this is a pattern here and addressing
25 it. Because again if the system doesn't

3/21/2022

1 hold itself accountable to that, you're
2 going to have unfortunately what has
3 been reported out.

4 Since we know this is a
5 problem, it requires state legislative
6 fixes. What I want to hear is what are
7 we doing with what we can do, which is
8 hold the people accountable that we're
9 paying to administer this to do their
10 jobs. So I'm still not getting a clear,
11 you know, you said there was one
12 particular physician site that was
13 problematic. We knew it was problematic
14 and it only has two doctors. Why are
15 they still working for us?

16 MR. SCOTT: They are only
17 working for us until the end of the
18 month. And we're still working to again
19 (inaudible) care there. And we are
20 making sure that we are holding those
21 doctors accountable. The challenge
22 being of course that you and I suffer
23 the same injury, but you're going to
24 recover from that faster than I can
25 because our bodies are all different, so

3/21/2022

1 there is some variation.

2 And so, doctors explain to us
3 that, yes, Barry needs more time to get
4 back to work. But we've been working
5 with our medical director and the
6 medical director associated with our
7 third-party administrator to make sure
8 that the doctors are accounting for the
9 variation in the delay, so making sure
10 that those delays and return to work so
11 that we have some evidence that, in
12 fact, the doctor is following up and
13 being accountable in terms of the return
14 to work and the care that the patient is
15 getting.

16 COUNCILWOMAN QUINONES-SANCHEZ:
17 I think that and I'm glad that there's a
18 review of this. There is light duty,
19 other duties that folks can be assigned
20 through some of this recovery process.
21 And I haven't heard any of the
22 connectivity around how we move people
23 through that process.

24 I don't know. Deputy
25 Commissioner Coulter, can you speak to

3/21/2022

1 how many of the people are on light duty
2 or desk duty as it relates to this
3 cohort?

4 DEPUTY COMMISSIONER COULTER:

5 Yes. Good afternoon, Councilwoman.

6 Right now we have about 112 of those
7 folks that are at some sort of limited
8 duty status where they are not working
9 the street, but they are working. The
10 remainder which is like 500 are marked
11 no duty. That is an area that the
12 Police Department has zero discretion.

13 The doctor decides whether the
14 person can work limited duty or no duty.
15 They also determine whether the officer
16 can go to court or not, which is a
17 frustrating point for us because when
18 they put no court, those cases get
19 continued, sometimes thrown out, but we
20 can't overrule them.

21 I do have Molly O'Neill. She
22 may be able to give you a little bit
23 more insight as to the process and some
24 of those pain points that we've
25 experienced. Molly, if you don't mind

3/21/2022

1 jumping in to help with the
2 Councilwoman's question to show where
3 those determinations are.

4 MS. O'NEILL: Sure. So the
5 determinations as to the court status;
6 is that what you're asking?

7 DEPUTY COMMISSIONER COULTER:
8 The court status, but also whether at
9 one point people go limited duty and how
10 that process works as opposed to the
11 number of people that are being held out
12 no duty.

13 MS. O'NEILL: So the process is
14 typically the doctors of course are the
15 providers or the directors of their duty
16 status. And when those doctors
17 determine that this person is capable of
18 returning to some light duty, that is
19 completely up to the provider's
20 discretion. And it's supposed to be a
21 steppingstone to return them to full
22 duty. Unfortunately, sometimes even
23 ends up being on the disability and no
24 or little return.

25 The court status wasn't always

3/21/2022

1 there on the provider forms, but so many
2 officers weren't showing up. They were
3 IOD, that it was requested that Risk
4 worked with the form and have the
5 doctors address the medical issue for
6 court. I have -- well, I shouldn't
7 throw people under the bus, but I have
8 noticed that Heart and Lung doctors,
9 especially the practice that is almost
10 gone at the end of this month were
11 particularly heavy on keeping people at
12 no court. So hopefully with that
13 provider gone, that may change.

14 COUNCILWOMAN QUINONES-SANCHEZ:

15 So earlier the question was asked about
16 the folks that came out in the report.
17 Was any one of the folks that were
18 publicly outed by the newspaper -- I
19 think, Deputy Coulter, you spoke to
20 this -- who was reprimanded and who
21 returned to work as a result of that?

22 DEPUTY COMMISSIONER COULTER: I

23 believe Deputy Wimberly is still doing
24 the investigation. Some of them
25 returned actually before the article

3/21/2022

1 came out, but there had been contact
2 made with them from the Inquirer and
3 from reporters that they were
4 investigating, so a few of them have
5 returned to full duty since then. But I
6 don't have the status of the outcome of
7 those individual investigations. But I
8 know Professional Responsibility is
9 working with Risk on that.

10 COUNCILWOMAN QUINONES-SANCHEZ:

11 Do we have an idea when that will get
12 done? I think it's real important that
13 if we're treating this as a serious
14 matter, that we bring closure to that
15 for public transparency purposes. I
16 think the report has been out a while
17 now. How much longer before there's
18 some decision points around those
19 investigations?

20 COMMISSIONER OUTLAW:

21 D.C. Wimberly.

22 DEPUTY COMMISSIONER WIMBERLY:

23 Yes. Good afternoon. I don't have an
24 ending point for it. We are currently
25 working on these investigations, but we

3/21/2022

1 will make sure a report is completed
2 with that information.

3 COUNCILWOMAN QUINONES-SANCHEZ:

4 Thank you. And --

5 MR. SCOTT: This is Barry
6 Scott. And I would just say that for
7 any of those individuals wherever we
8 have information that would allow us to
9 terminate the benefit, that's
10 information that we would take to the
11 Heart and Lung Arbitration Panel so that
12 they could terminate the benefit.

13 COUNCILWOMAN QUINONES-SANCHEZ:

14 So again, and we can have this
15 conversation a little bit further in the
16 budget, I expect concrete numbers.
17 There's so many investigations going, we
18 expect to close them up in 60 days.
19 These were the findings. I think the
20 public deserves that. And the good
21 officers who reported some of this
22 behavior deserve our ability to make
23 sure that this benefit is appropriately
24 being used. And so, that's why they
25 went to the press. And we have to be

3/21/2022

1 more transparent about bringing a
2 resolution to that. And so, I'll be
3 looking for that.

4 And then lastly, one of the
5 practices that we have, and I don't
6 know, Commissioner, now that we are
7 being more transparent about our
8 challenges and our recruitment
9 challenges, how we carry vacancies and
10 out of folks who are on leave on
11 districts -- and I think Councilmember
12 Gauthier was talking about this a little
13 bit -- for me has always been really
14 challenging.

15 When there are issues, and all
16 of you know with my East Division
17 commanders I have great respect, and
18 when things pop off, my first question
19 to them is how many men are you down,
20 right, because I don't even want to be
21 critical because in some cases the list
22 is long. Sometimes don't even want to
23 talk about it publicly because we all
24 get crushed by folks if they knew that.

25 Is there a better way that we

3/21/2022

1 can manage folks? I know that they're
2 entitled to go back to their posts. But
3 for districts to carry 10, 20, 30, 40,
4 50 men or people on their roster I think
5 gives a false impression around the
6 allotment of officers assigned by
7 district.

8 Can anybody speak to how we're
9 reviewing that? And for purposes of
10 transparency, is there a better way of
11 accounting for it than how we currently
12 do that?

13 COMMISSIONER OUTLAW: I think
14 there's always a better way. I think
15 one of the challenges that we've
16 identified is that we'll keep people on
17 paper assigned to a certain district or
18 a unit or a division when, in fact,
19 they're detailed out somewhere else.
20 And I think internally by policy we need
21 to say, okay, if somebody is out for X
22 amount of time, either they're permanent
23 or they need to go back.

24 So we can have a better
25 accounting or just better precision

3/21/2022

1 control so even their leadership within
2 each district knows exactly what they
3 have. And I think because they've
4 manually been keeping an eye on it, they
5 have an idea. But we can always do
6 better as it relates to better position
7 control. So the answer is yes.

8 COUNCILWOMAN QUINONES-SANCHEZ:

9 So this is an area where I think, again,
10 we have a lot of folks who are very
11 active in PDACs and other places, and
12 this is where the level of frustration
13 always comes, right. This notion of
14 what can we hold a captain accountable
15 for if he can't hold anybody
16 accountable, right. If he doesn't know
17 or they don't know who they're going to
18 have, right, on a consistent basis.

19 And I think if we want to get
20 to a place where -- when we have the
21 full cohort of folks is one thing, but
22 knowing that we don't have the full
23 cohort of what we need, I think that
24 transparency around district by district
25 is hugely important. And I think again

3/21/2022

1 people deserve that, right. People are
2 going to be critical with us about it,
3 but not telling people the truth around
4 what we have and what we don't have I
5 think is one of the places where we're
6 losing trust in folks. And it's a place
7 where we all need to work together to
8 kind of restore the community's faith
9 that we're being accountable and
10 transparent.

11 So this is an area that I have
12 a great concern. Been working with
13 captains now for 14 years as a
14 Councilperson, and it is one of the
15 areas where I feel like we set captains
16 up for failure when they don't have a
17 full roster and they're held accountable
18 as if they do have a full roster, and
19 sometimes having one and two cars out in
20 the street because they don't have the
21 full cohort. I think we need to look at
22 that and address it differently because
23 it leads to the level of frustration
24 with communities.

25 And again, now we have a

3/21/2022

1 legitimate reason, right. We're short-
2 staffed. In the past there was no other
3 reason other than people were out and we
4 carried this incorrectly. I think
5 there's a problem around how we've
6 administratively dealt with this
7 historically.

8 So, Commissioner, you bring
9 fresh eyes and a fresh perspective. If
10 we're building trust in the community,
11 that level of transparency is warranted,
12 right. And I think that level of
13 honesty the community deserves. So I
14 want to work with you on that. Because
15 again, in East Division I'm very much
16 aware of those challenges, right.

17 And publicly, I want to stand
18 with the police captain when incidents
19 happen and when community members want a
20 cop car on every block knowing that we
21 don't have a car to put, let alone a
22 cop. So we want to work a little bit
23 around that as we move forward, because
24 I think building that community trust is
25 going to depend on us changing some of

3/21/2022

1 those past practices that led to some of
2 the distrust that has existed in the
3 past.

4 COMMISSIONER OUTLAW: Thank
5 you, yes.

6 COUNCILWOMAN QUINONES-SANCHEZ:
7 And finally, Council President talked a
8 little bit about around this. We've
9 talked about the fact that we're short-
10 staffed and we have police officers
11 doing some work that could be done by
12 others. As it relates to neighborhood
13 services, this is a quality-of-life
14 issue in particular, so I just want to
15 add voice to we've gotten a real good
16 handle on abandoned cars and some of the
17 that situation. And I really want to
18 push back on those officers being
19 re-assigned.

20 We all know abandoned cars and
21 all of those issues lead to crime,
22 right, the data has been proven when we
23 move thousands of cars from the street.
24 So I really want to continue to push
25 back and add voice to my Council

3/21/2022

1 colleagues who said we need the quality-
2 of-life officers out there doing that
3 work because it is a preventive measure
4 and it is unfair. And if it's an issue
5 of getting more officers certified to do
6 this work so that we have more
7 flexibility, then we should be talking
8 about that, because I know there's a
9 unique skill set as it relates to some
10 of that work around state certification.

11 So when we get to the budget, I
12 really want to talk about that.

13 Neighborhood Services is critical,
14 critical to something like a basic,
15 basic public safety stuff that we offer
16 out in the community. And I have
17 neighborhoods like Frankford where we
18 have thousands of cars in need to be
19 moved and we have to follow these
20 processes. And again, we don't want to
21 overburden a unit that I know I can't
22 hold responsible because they don't have
23 the manpower.

24 So, Commissioner Dales, I don't
25 know if you want to speak to that a

3/21/2022

1 little bit. But I don't know how else
2 to emphasize the importance of that.

3 DEPUTY COMMISSIONER DALES:

4 Yeah, I can speak on that. So we're not
5 ignoring the abandoned auto situation.

6 So what I've been doing with the
7 Neighborhood Services Unit, we do
8 utilize them to assist with problematic
9 areas, but we still let them do their
10 jobs.

11 They do have a time frame where
12 they can actually focus on the abandoned
13 auto issues within their respective
14 areas. And on top of that, we also run
15 a neighborhood services initiative
16 during the weekend where we have the
17 entire unit saturate a certain part of
18 the City to remove those vehicles, which
19 is very effective. So we're continuing
20 to do that which again requires
21 overtime, but we're doing that as well.
22 We're not ignoring the abandoned autos
23 problem because we know that is
24 conducive to crime. I definitely agree,
25 and we do focus on that.

3/21/2022

1 COUNCILWOMAN QUINONES-SANCHEZ:

2 Thank you.

3 Thank you Mr. Chair.

4 COUNCILMAN DOMB: Thank you,

5 Councilmember Sanchez. Thank you.

6 Now, our next question is

7 Councilmember Brooks.

8 COUNCILWOMAN BROOKS: Thank

9 you, Councilmember Domb.

10 My question is around again the

11 Heart and Lung. I know that's been a

12 major topic today. And I just want to

13 make sure I'm hearing the numbers right.

14 So in FY21, the City spent \$24 million

15 in salaries for officers who were on the

16 Heart and Lung fund. Is that the right

17 amount, 24 million?

18 MR. SCOTT: This is Barry Scott

19 from the City's Risk Management

20 Division. That's approximately right.

21 There's money that we spend directly on

22 individual claims, and then under Heart

23 and Lung those workers are continued on

24 salary, on their departmental salary.

25 So that number does not include -- it's

3/21/2022

1 a different number for how much salary
2 those people who are on no duty are
3 receiving. So we can follow up and get
4 you the precise numbers, if that would
5 be helpful.

6 COUNCILWOMAN BROOKS: Okay.
7 Because just for comparison -- please
8 forgive my voice. Last year for the
9 FY22 budget, we allocated 23.5 million
10 for the full budget for agencies like
11 Department of Behavioral Health and
12 Intellectual Disability. And when I
13 think about this loss of funds or how
14 money is being spent, we could have
15 actually doubled the size of our
16 Department of Behavioral Health and
17 Intellectual Disability's money just for
18 what we spent on this particular issue,
19 and that's definitely problematic.

20 But my question is how do the
21 numbers from the Police Department
22 employees that are using Heart and Lung
23 benefits compare to other departments
24 like Fire?

25 MR. SCOTT: So Fire is also

3/21/2022

1 covered by Heart and Lung. Fire
2 population is a smaller population, a
3 third or less of the size of the Police
4 Department. And so, they have so much
5 fewer injuries on an ongoing basis. So
6 the numbers really need to be sort of
7 adjusted in order to be well-compared.
8 And the investment that we make in terms
9 of taking care of our injured workers is
10 one that we think is a very important
11 one and is absolutely not only our
12 responsibility, but our honor to be able
13 to take care of our injured workers.

14 And so, we will -- that money
15 that is in our budget that we have for
16 our injured workers is money that we
17 think are a good investment in taking
18 care of our employees, getting them back
19 to work. But, yes, it is a significant
20 number.

21 COUNCILWOMAN BROOKS: Let's be
22 clear, I totally support folks who are
23 injured on the job and hurt on the job.
24 What I don't support is misuse. That's
25 what I'm talking about. I'm not saying

3/21/2022

1 I don't support officers being
2 compensated and able to take care of
3 their families when they're injured at
4 work. I wholeheartedly support that.
5 My question is --

6 MR. SCOTT: Yeah. I know,
7 Councilwoman. I just want to say
8 because sometimes in Risk we get
9 pushback sometimes from workers who will
10 say, oh, you're more worried about the
11 money than you are about our workers.
12 It's not true. We're mainly worried
13 about -- we have invested a lot as we've
14 talked about this morning in getting
15 someone on board as a police officer in
16 the City of Philadelphia, training them,
17 equipping them to do their job and we
18 want to keep them on their job as much
19 as we can, so this is just another part
20 of that of making sure that we can
21 continue in that investment and in that
22 individual.

23 COUNCILWOMAN BROOKS: Actually
24 towards accountability, I know the City
25 used to track the number of employees

3/21/2022

1 that were using the Heart and Lung
2 benefits for both Police and Fire and
3 included those numbers in the City's
4 Five Year Plan. Is there a way -- it
5 seems that based on the past charts that
6 we have as the benefits begin to grow
7 through 2004, 10 times more people were
8 using this. However, the City stopped
9 tracking those numbers.

10 Do we know why the City stopped
11 tracking those numbers? And is it
12 possible for those numbers to be
13 included in the Five Year Plan so we can
14 see this moving forward?

15 MR. SCOTT: So, yes, we still
16 track the number of police officers and
17 firefighters who are off, no duty and
18 related to Heart and Lung. Some of that
19 information I believe shows up in the
20 Quarterly City Manager's Report. But,
21 yes, that information is available, and
22 certainly we can make it available to
23 Council if that's requested.

24 COUNCILWOMAN BROOKS: My other
25 question really quick was about

3/21/2022

1 vacancies. I looked at the presentation
2 and some of it wasn't very clear. So
3 there are currently 480 vacant officer
4 positions in the Police Department; is
5 that number right?

6 DEPUTY COMMISSIONER COULTER:
7 Councilwoman, that's with our current
8 authorized strength. The number is
9 actually higher because we took a 195
10 officer reduction two years ago
11 budgetary, so our authorized strength
12 was 6575 reduced to 6380, and now we're
13 currently at about 5879. So we have
14 over 500 -- even from our authorized
15 strength, 500 positions down.

16 COUNCILWOMAN BROOKS: So how
17 does that number compare to the
18 historical trends? Is it higher or
19 lower or is it the same as usual?

20 DEPUTY COMMISSIONER COULTER:
21 This is the lowest number of officers
22 we've had in my 33 years of service so
23 it's continuing to go down. We were at
24 about 6500 in 2017. If you look at the
25 chart, we were at 6300 in 2016. We were

3/21/2022

1 at 68 in 2008. And even if you go back
2 many, many years, there were times when
3 our authorized strength was over 8,000.

4 Those times have changed in our
5 current history. It's been in the area
6 of 66 or 67. But to be down to 5879 is
7 the lowest numbers that we've seen in my
8 history anyway. And I believe in really
9 the history recent -- not recent, but
10 history of our department going back to
11 the '60s, I don't think we've ever
12 experienced a number this low.

13 COUNCILWOMAN BROOKS: Those are
14 my questions. Thank you so much.

15 COUNCILMAN DOMB: Thank you,
16 Councilmember Brooks. I think to add to
17 Councilmember Brooks' question of the 24
18 million, I think Councilmember Brooks
19 and myself and all colleagues clearly
20 want those who are injured to get the
21 monies that they deserve. But I guess
22 the question, and I don't know if you
23 know the answer, out of that 24 million,
24 is there an estimate of what percentage
25 of that might be being abused?

3/21/2022

1 Is it 2 million, 3 million?
2 What would that number be? I think
3 that's where we have to focus. I don't
4 know if we have the answer today or
5 maybe we can get the answer, if we even
6 know it. We have to find out through
7 the investigation.

8 All right. Let's go to
9 Councilmember Gym who has been waiting
10 patiently for her questions.

11 COUNCILWOMAN GYM: Thank you
12 very much, Mr. Chair. I appreciate it.

13 I think at this state I have a
14 few questions, but mostly a number of
15 requests, following up on many of the
16 questions that people have. I think
17 what we're looking for is whether
18 anybody in the City is charged with
19 doing a comprehensive audit of the Heart
20 and Lung and will be tasked with making
21 recommendations. I actually don't know
22 that I just want to pursue individual
23 cases that I think were clearly laid out
24 in the Inquirer report. But I'd like to
25 see a more comprehensive analysis of the

3/21/2022

1 Heart and Lung claims, including and
2 especially the number of ongoing
3 investigations as well as the number of
4 investigations that result in
5 consequences. So if you could, one,
6 send over what you have now to our
7 Chair, I think that would be extremely
8 helpful.

9 And then the second question
10 would be who, whether it's Risk
11 Management or somebody else, but
12 somebody needs to do this on a regular
13 basis. This is not a one-time thing. I
14 think it needs to be managed and we need
15 data over a period of time. So who
16 would do this, and would that department
17 be open to it?

18 MR. SCOTT: This is Barry Scott
19 from Risk Management. It's what we do
20 all the time. We are tracking our
21 injured workers and their care and their
22 return to work, and we split that out by
23 the type of benefit they receive. And
24 during the course of someone's injury
25 just to be clear for the Council, it's

3/21/2022

1 possible that they might be in each of
2 those benefit types, Heart and Lung, Reg
3 32 and Pennsylvania Workers' Comp. at a
4 different period in the same injury
5 depending on what is happening in the
6 process of adjudication of that injury
7 and the resolution of it.

8 So just FYI, yes, we are
9 looking overall on an ongoing basis
10 about how we can best manage this
11 benefit and ensure that our workers are
12 receiving the benefit appropriately and
13 that they are not abusing that, and the
14 vast majority of our workers are not
15 abusing that benefit. There is we
16 believe some abuse there, but that is
17 not the vast majority of our injured
18 workers.

19 COUNCILWOMAN GYM: I understand
20 that. We're focusing very specifically
21 on Heart and Lung. Obviously, this
22 hearing is focused specifically on Heart
23 and Lung and the Philadelphia Police
24 Department. And in particular, our
25 Police Department more than any other

3/21/2022

1 department in the entire nation far
2 exceeds the number of officers that are
3 out on leave for things like this; is
4 that accurate, Mr. Scott?

5 MR. SCOTT: I know that that
6 was something that was reported in the
7 article. I don't have the data from all
8 the other cities to sort of make sure,
9 to confirm that. But, yes, we
10 certainly --

11 COUNCILWOMAN GYM: Are you
12 disputing that?

13 MR. SCOTT: No, but I don't
14 have the data. So I don't want to make
15 a comment without having the data to
16 really sort of back me up.

17 COUNCILWOMAN GYM: I think one
18 of the concerns that I have though is
19 that Risk Management is responsible for
20 understanding this kind of information.
21 You should have information on how our
22 department compares to other cities,
23 particularly when, you know, some of our
24 more courageous leaders here,
25 including -- I just have to say

3/21/2022

1 Commissioner Outlaw and Deputy
2 Commissioner Coulter have been pretty
3 outspoken on the importance of this
4 issue.

5 It is Risk Management's
6 responsibility to actually know that
7 data because it helps you assess whether
8 and what you're investigating needs to
9 be prioritized. So I just want to put
10 that on the record, and I want to urge
11 and expect that Risk Management is -- I
12 mean, I know you said you are looking
13 into it. I'm not sure what that means.

14 But do you publish publicly a
15 report on these funds, the uses of them
16 and particularly any abuse that may be
17 happening?

18 MR. SCOTT: So we don't publish
19 a particular report on the monies that
20 we spend on injured worker care. That
21 money is in Risk Management's budget,
22 and it is part of what we typically
23 report on.

24 COUNCILWOMAN GYM: Do you make
25 recommendations annually to the City

3/21/2022

1 about how to improve or adjust any
2 problems that you are currently seeing
3 year to year?

4 MR. SCOTT: We don't have a
5 formal process for making those kinds of
6 recommendations. However, as I've
7 indicated, most of our -- we are making
8 sure that we are complying with the law.
9 And since this is a state law that we
10 are complying with, we can make our
11 recommendations with regard to various
12 things which we see as problematic, but
13 those things are not things which the
14 City has any ability to control.

15 COUNCILWOMAN GYM: When you say
16 we make our recommendations, are you
17 speaking theoretically or do you
18 actually make recommendations to a
19 specific entity or to the City?

20 MR. SCOTT: So we work with the
21 Police Department. We're in the Finance
22 Department. We work with the Finance
23 Director in order to address things
24 which we see as concerns. But again,
25 the corrections to some of these

3/21/2022

1 concerns are corrections which the City
2 is not empowered to enact because --

3 COUNCILWOMAN GYM: I
4 understand.

5 MR. SCOTT: -- our failure to
6 respond in certain ways in terms of
7 particular claims would make us in
8 violation of state law. And so, we are
9 constrained in that way so we're limited
10 in what we can do and act on.

11 COUNCILWOMAN GYM: If I could,
12 some of the things that were raised
13 however sounded like they were the
14 result of contract negotiations through
15 the City and the FOP; is that accurate?

16 MR. SCOTT: That's correct.

17 COUNCILWOMAN GYM: Okay. So
18 the City is in control of contract
19 negotiations that occurred between the
20 City and FOP; is that correct?

21 MR. SCOTT: That is correct.

22 COUNCILWOMAN GYM: Okay. So if
23 there are things that you could identify
24 that would be recommended on a regular
25 basis, those could help inform

3/21/2022

1 recommendations or negotiations between
2 the City and the FOP; would that also be
3 accurate?

4 MR. SCOTT: It is and we have.
5 And this year, as Commissioner Outlaw
6 indicated, in this year's most recent
7 Act 111 arbitration hearing we did hear
8 and see some improvement in terms of how
9 the term of performance of duty, which
10 is the term which describes those people
11 who are eligible to receive the Heart
12 and Lung benefit is defined, and that
13 was a win for us in terms of Heart and
14 Lung. There were other proposals that
15 the City made in terms of its labor and
16 negotiations. Those proposals didn't
17 all make it to the final contract.

18 COUNCILWOMAN GYM: Yeah. So I
19 think one of the things that
20 Councilmember Quinones-Sanchez kind of
21 raised was that many of these things are
22 not public, right, so that the public is
23 not necessarily aware of some of the
24 issues and problems that are going on.
25 I think this is one of the things that

3/21/2022

1 makes the clarity around who, you know,
2 what is actually going to be a priority
3 here, and that motivated to some extent
4 some of the hearing has brings to bear,
5 right.

6 So I guess one question is
7 again whether when Councilmember
8 Quinones-Sanchez had asked that the
9 public deserves a right to know what has
10 happened with some of the specific
11 investigations that have been
12 highlighted in the paper, I was looking
13 more broadly. I would like to know the
14 number of investigations and the number
15 of investigations that have actually
16 resulted in consequences.

17 And then separately given the
18 investigation, it seems important right
19 now for Risk Management in collaboration
20 with the leadership at the Police
21 Department and the City to issue a set
22 of very clear recommendations, some of
23 which can be accomplished at the local
24 level, some of which clearly have to be
25 accomplished at the state level.

3/21/2022

1 But I think it's important for
2 Risk Management and the City if we want
3 to have faith that we are taking this
4 issue seriously, that we try to do that
5 in a public way in a very short time
6 period. And I know this is going to
7 come up during budget session. So I
8 think it would go a long way if Risk
9 Management worked to have something more
10 public to be able to present in terms of
11 the budget. So I hope that's a little
12 bit more clear.

13 MR. SCOTT: Thank you very
14 much. Yes, it is.

15 COUNCILWOMAN GYM: I wanted to
16 go back because I think this was raised
17 a little bit before. But I just wanted
18 some clarity that in the newspaper
19 article former Commissioner Ramsey had
20 recommended that we stop allowing the
21 use of individual doctors, some of whom
22 have clearly been deeply problematic.

23 And I don't know what's really
24 going on. Some of it sounds serious
25 enough for referral. But former

3/21/2022

1 Commissioner Ramsey had recommended a
2 practice of mandating that we send
3 individuals, particularly because these
4 could be some very serious injuries and
5 they need ongoing care to hospitals.
6 And could you just explain for clarity
7 what would stop us from requiring this
8 or mandating it?

9 MR. SCOTT: I'm sorry. I lost
10 the thread in your question. Can you
11 just sort of sum it up?

12 COUNCILWOMAN GYM: The
13 individuals who make the claims are
14 allowed the practice of using doctors,
15 individual doctors. Some of whom have
16 clearly been implicated in some
17 questionable activity, if not, some very
18 serious potentially problematic
19 activity, if there's any fraud or
20 anything involved.

21 As a result, there's been a
22 recommendation that we use hospitals
23 instead, that the mandate is that this
24 is serious issues of care and treatment
25 for these individual police officers,

3/21/2022

1 some of whom I absolutely believe have
2 suffered from serious injury and need
3 ongoing care.

4 And so, what would stop us
5 right now from requiring this? Is that
6 baked into the current contract? And
7 what is the priority in ensuring that we
8 can prioritize using hospitals as
9 opposed to necessarily individual
10 doctors, particularly when it requires
11 leave from duty?

12 MR. SCOTT: Certainly. So our
13 system has the ability to use and
14 primarily uses a set of clinics which to
15 a large extent are hospital-based, so we
16 use hospital-based. We also have
17 specialist doctors that are on the
18 panel. But in the settlement agreement
19 and Memorandum of Understanding that the
20 City entered into with the Fraternal
21 Order of Police to provide the Heart and
22 Lung benefit, that agreement allowed the
23 Fraternal Order of Police to recommend
24 doctors to go on the medical panel to
25 treat injured workers.

3/21/2022

1 That is the work that some of
2 the concern has been and those doctors
3 that have been recommended by the Union
4 and we have -- and so there's a limit to
5 the ability to control where that
6 individual then gets ongoing care. So
7 that care we have some control over, but
8 not an absolute control over. And we
9 work very hard to make sure that our
10 injured workers get the best care that
11 they can.

12 And this is a level of detail
13 that I'm happy to discuss at greater
14 length with the Committee, the Council
15 and in general, but we do work very hard
16 to make sure that where folks have
17 selected their treatment provider and
18 transferred their care to that treatment
19 provider, that we need to honor that
20 until at a hearing, that care can be
21 transferred again if we feel like
22 there's something going wrong there.

23 COUNCILWOMAN GYM: Do you feel
24 that there's something going wrong
25 overall in the system given the

3/21/2022

1 reporting that was laid out?

2 MR. SCOTT: So I think that
3 there are some areas that really need to
4 be paid attention to and that we have
5 identified some of those and the story
6 talks about some of them and we've
7 talked about some of them here. We're
8 in ongoing discussions with the
9 Fraternal Order of Police in order to
10 address with them our concerns about the
11 care that their members are receiving in
12 the system from these providers, and we
13 are trying to work toward getting them
14 the care they need in the best way
15 possible.

16 COUNCILWOMAN GYM: Do you keep
17 track of how many cases that you've
18 investigated that have been referred for
19 further prosecution or have you ever
20 referred a case for prosecution to
21 either the District Attorney, Attorney
22 General or the U.S. Attorney's Office?

23 MR. SCOTT: So our first
24 priority is sort of returning our
25 injured workers back to work. So our

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1 first goal is to get folks back to work.
2 But where there are cases we believe are
3 fraudulent, we have been working in
4 conjunction with the Police Department
5 and their area of Professional
6 Responsibility we have referred cases
7 working jointly with them and with the
8 District Attorney's Office where we feel
9 like there is some fraudulent activity.

10 Again, our primary focus is
11 looking to get people back to work. But
12 where we think there are and there is
13 evidence of that, we don't have the
14 resources to investigate that and we do
15 make those referrals.

16 COUNCILWOMAN GYM: Do you know
17 how many referrals you've made in the
18 last three or five years?

19 MR. SCOTT: I don't know that
20 off the top. I can get that information
21 for you.

22 COUNCILWOMAN GYM: Is it
23 because it's too many or it's too few?

24 MR. SCOTT: It's because it's
25 not something I track every day. Again

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1 generally speaking, it is not too many
2 because most people are not abusing the
3 system. And then cases in which we have
4 enough evidence to prove that someone is
5 abusing is also a smaller percentage, so
6 I have lots of cases where I may suspect
7 there is some abuse, but I don't have
8 proof that there is abuse. And in the
9 absence of proof of that abuse, there's
10 a limited amount that I can do to
11 control the course of the claim.

12 COUNCILWOMAN GYM: And in those
13 cases you don't refer; is that right?

14 MR. SCOTT: I mean --

15 COUNCILWOMAN GYM: You just let
16 it go or --

17 MR. SCOTT: Where we have
18 enough to say we believe this is going
19 wrong, we have made referrals. But
20 frequently, we don't have, you know,
21 what we have is people who or the doctor
22 says, we believe this is sort of within
23 normal ranges or that some other
24 comorbidity is affecting the duration of
25 disability in this patient's case. So

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1 because we are working with human
2 bodies, there's a variety of times that
3 are necessary to heal. And we try to
4 honor the needs of the worker in getting
5 healed.

6 COUNCILWOMAN GYM: So
7 Mr. Scott, we clearly very much agree
8 with that. And I think I opened my
9 comments by saying I didn't want to talk
10 about the general purpose of the fund.
11 Obviously, every single individual and
12 especially our police officers are
13 entitled to leave, to care and to
14 healing.

15 But the question that we've got
16 is that there doesn't appear or the
17 hinting was that there was an
18 overappearance of clear consequences for
19 individuals who violate policies. And
20 the issue is when there are not clear
21 consequences for individuals who violate
22 policies and, in fact, may even be
23 flagrantly flaunting the fact that
24 they're violating the policies, it
25 becomes very difficult for other people

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1 to understand what the boundaries are.

2 We don't have any documentation
3 that I'm aware of. And in part, one of
4 the reasons why I'm asking is clarity
5 about the consequences and that
6 consequences or serious action has been
7 taken seems also another way to clarify
8 responsibility and accountability as
9 well.

10 And I think as Councilmember
11 Quinones-Sanchez said very clearly, this
12 is for every single officer, the 85
13 percent of them, plus who shows up every
14 single day who go above and beyond and
15 who are incurring an enormous additional
16 burden because there could be a number
17 who are potentially exploiting
18 opportunities to abuse the system.
19 Again, I have no doubt that the state
20 law is deeply flawed, but I'm also
21 worried that the lack of ability to
22 clarify consequence gives a bit of gray
23 area for a number of individuals. And
24 the more flagrant those individuals can
25 be about getting away with the work and,

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1 you know, you saw very clearly if it's
2 exposed, people are going to close that
3 off and go right back. They don't need
4 much more than that kind of clarity.

5 So I guess I'm looking from you
6 and from others how do you bring that
7 clarity to abusive situations so that
8 the actual situations where individuals
9 deserve to heal and enough and adequate
10 time to heal so that they can return to
11 the job fully supported and in their
12 full health can actually happen, because
13 I worry that that is not happening and I
14 think the data is very clear that that's
15 not happening?

16 I will have a couple of other
17 questions for the Commissioner. So
18 again, I appreciate the Commissioner's
19 time in all of this. But I just wanted
20 some clarity because I thought I heard
21 this a little earlier, and I know the
22 Council Majority Leader had raised this
23 a little earlier.

24 Is it your understanding that
25 if Council were to suspend the law that

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1 requires you to be a resident in order
2 to be hired for the Police Department,
3 do you feel like that would help address
4 some of the recruitment and advertising
5 like outreach and other things into the
6 Department?

7 COMMISSIONER OUTLAW: I think
8 so, at least until we get to our
9 authorized strength. And here's why we
10 don't give clear answers around this,
11 because the last list that we referred
12 to where we got about 2500 people is the
13 first list that we've received with only
14 residents, right. The previous list we
15 would get sometimes between 4,000 and
16 6,000 people. That's a dramatic jump,
17 and we want to get 400 people a year,
18 not just 100 people from one list, one.

19 Two, I can say and not just
20 anecdotally, my colleagues make fun of
21 me all the time, but they say thank you
22 because we know that a lot of our
23 candidates that have expressed to them
24 that would have come to Philadelphia
25 have gone to our neighboring agencies or

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1 our neighboring townships.

2 We're all fishing from the same
3 pond. So again, if we give bonuses or
4 whatever it is, are we giving bonuses to
5 people that already live here or are we
6 giving bonuses to be competitive like
7 our colleagues are doing. And again,
8 we're not just competing with -- well,
9 now we are -- people locally.

10 But honestly, when you look at
11 policing and how we want to recruit, we
12 want as large of a pool that we can
13 possibly get. So you have places like
14 D.C. that's advertising in New York and
15 vice versa. And that's because if they
16 make the incentives something that's
17 attractive enough, we can get qualified
18 people from all over.

19 And I think going back to the
20 recommendation that D.C. Coulter made,
21 if we were to suspend until we get to
22 authorized strength, I think that will
23 be great. But then also, if there's
24 another way, another strong alternative
25 to get to the intended outcome that we

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1 all want, whether it's providing
2 preferential points, that would also be
3 great.

4 But at this point, we just need
5 to make ourselves as attractive and as
6 competitive as possible, because we know
7 for a fact that we're losing people to
8 neighboring agencies. And just getting
9 people to, one, want to be cops has been
10 a challenge. So that's why I said we
11 haven't really been giving clear answers
12 because we know that's part of it as
13 well. But anything that we can do to
14 remove the own institutional barriers
15 that we've injected in our process I
16 think would be very helpful.

17 COUNCILWOMAN GYM: Okay. And
18 then for clarity, the 3700 applications
19 that you have laid out down to about
20 2500, so you saw a 40 percent drop in
21 terms of applications that could be
22 considered; is that right?

23 COMMISSIONER OUTLAW: Yes, I
24 was just -- roughly.

25 COUNCILWOMAN GYM: Okay.

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1 That's helpful. I think that many of us
2 fully support and want to support local
3 hires and local preferences for sure,
4 but we're all very fully aware of the
5 staffing concerns and worries that we've
6 got in public safety and presence and
7 visibility. But I think the idea is
8 that we ultimately want people to be
9 residents who stay, and welcoming people
10 into communities I think is extremely
11 important as well, so thank you.

12 The last question that I had
13 really has to do a lot with women,
14 particularly in the work that you've
15 tried to do to address sexual harassment
16 and discrimination of women in the
17 Police Department. I know that you are
18 living what it means to be a leader in
19 this area.

20 But can you talk to us a little
21 bit about what you are stepping forward
22 on in terms of improving the culture for
23 women in all ranks and roles of the
24 Police Department and are there things
25 that we can do, things that you need to

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1 be more supportive and to ensure that
2 harassment in particular is not
3 tolerated, that women who do raise
4 concerns about it will be supported
5 through the process and that they're not
6 punished for speaking out about their
7 own health and safety?

8 COMMISSIONER OUTLAW: Thank you
9 for that question. That's a very good
10 one in the sense that this is about
11 building systems so that we maintain the
12 culture that we're creating today 15, 20
13 years from now. And so, I am pleased
14 that when we went to the table -- again,
15 I'm bringing up the negotiation
16 process -- we got some very key lens
17 there, in that our discipline guide now
18 when you look at the consequences or the
19 proposed discipline for EEO violations
20 are more proportionate, right, and the
21 reckoning period is the duration of
22 employment, whereas before if Officer
23 Outlaw got sustained for an EEO
24 violation, the reckoning period, if a
25 year went by, then my record was erased

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1 completely and it couldn't be considered
2 for a future discipline. That was very
3 problematic. So I'm happy in that the
4 discipline is proportionate.

5 And now that we have a very
6 close working relationship with the EEO
7 and they're doing the bulk of these
8 investigations, it adds a different
9 layer I think of credibility when we're
10 going through this disciplinary process.
11 So I think we're starting to see a
12 turnaround there. There's more people
13 that I've seen reporting these sorts of
14 abuses and not just anonymously.
15 They're getting handled in an
16 expeditious manner.

17 And then also, it's not just
18 about recruiting. It's about retention
19 and making sure that we're putting
20 people in positions that are upfront,
21 whether they're formal, informal
22 positions of leadership and I'm pleased
23 with that. When you look at our
24 leadership in patrol, there's a lot of
25 new faces there and there are a lot of

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1 women there more than we've had in quite
2 some time.

3 So it's this leadership team
4 working with intention with where we're
5 assigning people, how discipline is
6 meted out that needed change in our
7 disciplinary guide. And then we've
8 adopted or we're part of the 30 by 30
9 initiative, which is a pledge more for
10 our department to be at 30 percent.

11 Now, I know that's not 50, but
12 to be at 30 percent women by the year
13 2030, we're already ahead. The national
14 average is about 12 to 13 percent, which
15 is pretty bad. We're a little over 20.
16 So we still have a ways to go, but we
17 know that by adopting these very
18 specific strategic objectives within the
19 30 by 30 initiative, we're not only
20 going to get more women in key
21 positions, we're not only going to get
22 more people wanting to promote, but then
23 we're also going to see diversity across
24 the board from start to finish.

25 And I think quite frankly our

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1 last promotional list was very telling.
2 We had a record number of women not just
3 on the list, but wanting to take the
4 test and take on added responsibility.
5 So that means a lot to me and I think
6 that says a lot because we're building
7 our bench.

8 COUNCILWOMAN GYM: I agree.
9 And my hope is that it also relates back
10 to outreach and staffing, that these are
11 reasons -- when we take sexual
12 harassment, discrimination seriously,
13 then we are sending a clear signal to
14 many women that we're going to be a
15 better city and a better police force
16 that welcomes opportunity, promotion and
17 leadership within the Department, and I
18 think that that's incredibly important.

19 And we want to continue to
20 emphasize that we want to be your
21 partners on that. And if there are
22 additional things that you think that we
23 can be more supportive of, have more
24 outreach towards, we're happy to be your
25 partners on all of that.

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1 COMMISSIONER OUTLAW: Thank
2 you.

3 COUNCILWOMAN GYM: Thank you
4 very much, Commissioner.

5 And thank you, Mr. Chair.

6 COUNCILMAN DOMB: Thank you,
7 Councilmember Gym. And I think you have
8 a really good point, and I look forward
9 to receiving the recommendations on what
10 we can do going forward. I think that
11 is a great product we all should have
12 available. That's a great idea.

13 So let me just give you the
14 game plan. We still have Councilmember
15 Bass, Councilmember Squilla, Majority
16 Leader Parker. And we have a second
17 panel, but Job Itzkowitz had to leave.
18 He submitted his testimony, but we do
19 have Deputy Attorney General Brendan
20 O'Malley here from the Attorney
21 General's Office. I'd like to invite
22 him just to testify briefly, and then we
23 will go forward and I'd like everybody
24 to please stay on.

25 Deputy Attorney General Brendan

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1 O'Malley, please begin your testimony.

2 DEPUTY ATTORNEY GENERAL

3 O'MALLEY: Thank you very much,
4 Councilman Domb. I applaud all of the
5 Chairs, including Councilman Jones and
6 Councilwoman Parker, bringing attention
7 to this important issue. As Councilman
8 Domb said, my name is Brendan O'Malley.
9 I'm the Chief Deputy Attorney General in
10 the Office of Attorney General. I'm
11 here to represent AG Shapiro. And I run
12 a unit that is not only in Philadelphia,
13 but is statewide.

14 And as the Attorney General
15 Office is statewide, we are uniquely
16 positioned to comment on this crisis
17 because we do work all over the state.
18 We work with patrol officers, police
19 chiefs, law enforcement leaders across
20 Pennsylvania. And the staffing problems
21 that you all see in Philadelphia are
22 similar across the Commonwealth. There
23 is a historic shortage of police
24 officers across the state and, in fact,
25 across the nation.

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1 A look at data shows in nearly
2 every community of our state we need to
3 hire more police officers.
4 Unfortunately, there are not enough
5 highly qualified candidates applying to
6 serve. According to the State
7 Commission responsible for officer
8 training, MPOETC, we currently have over
9 1200 vacancies in accredited departments
10 across the state. We believe that
11 number is understated. We need to do a
12 lot to hire and train the next
13 generation of police officers and put
14 resources into that.

15 We called on the General
16 Assembly last year to meet this
17 statewide emergency and help hire
18 hundreds of new police officers. Some
19 of our suggestions have been previously
20 discussed here, which is a hiring bonus,
21 \$1200 in hero pay to keep current
22 officers on the job, funds for local
23 departments to set up crisis
24 intervention and mental health units and
25 also supporting federal legislation, The

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1 Invest to Protect Act.

2 I'd like to speak about the
3 crisis nationwide and statewide, and
4 then we can narrow in on what we've
5 attempted to do to solve this and also
6 speak about Philadelphia specifically.
7 So this crisis in the workforce of law
8 enforcement has been a long time coming.
9 There was as far as back as 2018, the
10 Police Executive Research Forum
11 conducted an exhaustive analysis across
12 the country of this workforce crisis and
13 produced an extensive report of their
14 findings, and it's echoing a lot of what
15 we heard today and this morning. But
16 understand even though COVID and the
17 crisis in law enforcement happened as a
18 result of the killing of George Floyd
19 certainly amplified this crisis, this
20 crisis had begun well prior to COVID and
21 what happened in 2020.

22 I did provide the report that
23 has recommendations to Councilman Domb's
24 Office, and I would encourage everyone
25 to read it because a lot of what we've

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1 discussed is discussed in the report.
2 The reasons for a reduction in qualified
3 candidates that go well beyond law
4 enforcement in general, just a general
5 ability in the job market that
6 candidates have a lot of opportunities
7 to do, a lot of different things. They
8 don't stay in jobs or careers for 25
9 years in the same place, et cetera,
10 et cetera. So the broader trends that
11 extend well beyond Philadelphia do
12 certainly affect nationwide, statewide
13 and in the City this recruitment issue.

14 So specifically in Pennsylvania
15 we really have been doing a deep dive on
16 this as I said since 2020. And we've
17 spoken to all police departments across
18 the Commonwealth, rural, city, suburban,
19 wealthy, poor, high crime, low crime.
20 Everyone is experiencing the same
21 crisis. And one of the things that I
22 will add and I will discuss this a
23 little bit further is regionally, there
24 will be certain departments that are
25 better-staffed and better-resourced than

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1 others, and what happens is they siphon
2 off officers from neighboring regions
3 and we see that effect and I'll speak
4 about that more in Philadelphia, is that
5 the collar counties' police departments
6 that may be better-resourced or better
7 what you would say quality of life,
8 they're not as high crime, et cetera,
9 are taking officers from a large
10 department like Philadelphia. And the
11 context of the residency requirement, it
12 certainly does make it more difficult
13 for Philadelphia to replace officers
14 that they lose, experienced officers
15 that they lose quickly.

16 One of our recommendations is
17 and one thing that the AG discusses is a
18 dramatic increase in pathway or
19 apprenticeship programs as Councilman
20 Jones discussed. We need to go beyond
21 the status quo of what is occurring now.
22 The Cadets program, the Police Explorers
23 program, they've been found to be
24 effective. Certain recruiting,
25 especially for diversity candidates at

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1 Historically Black Colleges and
2 Universities have not shown to be as
3 effective as programs like the Explorers
4 program in bringing on cadets that can
5 understand what it is to be a police
6 officer on a daily basis. So we've
7 really been trying to focus on those
8 efforts to have those programs, really a
9 dramatic increase in resources towards
10 them.

11 As I said before, well prior to
12 2020 there has been just a general
13 reluctance for people to enter law
14 enforcement. There was a survey
15 conducted that said 80 percent of
16 current officers would not recommend law
17 enforcement as a career to others.
18 Those are disappointing things to hear.

19 And I certainly heard today
20 there's a lot of support for law
21 enforcement and showing the vital link
22 to law enforcement and public service
23 and safety of the community, and I
24 really think that that's a narrative
25 that needs to be pushed out. There's a

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1 lot of negative attention to law
2 enforcement these days. And certainly,
3 what I've heard here today people
4 understand they certainly have a role in
5 public safety and that should be more
6 vocal out in the community.

7 So some of the things that the
8 Attorney General has done as Council
9 President Clarke has indicated, we
10 convene roundtables across Pennsylvania
11 to address this with police chiefs and
12 law enforcement leaders. We are hearing
13 the concerns of law enforcement leaders
14 hearing solutions, trying to understand
15 better what each individual department
16 is going through and each individual
17 area is going through in order to
18 formulate recommendations, which we've
19 done.

20 We sent a letter to the General
21 Assembly last year requesting resources
22 for, as I said previously, bonuses to
23 current officers, a hiring bonus,
24 multiple jurisdictions do this, Denver,
25 Arizona, Seattle, Portland, across the

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1 country, not just in law enforcement,
2 but across the country employers are
3 giving benefits to people that come in
4 new to an agency. And we feel that
5 that's a strong model. It's not a cure
6 all, but it's one thing that we have
7 pressed the General Assembly to fund.

8 Also tuition benefits, state
9 support for mental health and
10 community-oriented units so that police
11 officers feel that they're not just
12 fighting crime, but they're also engaged
13 in the boots on the ground, really
14 helping the community and not just
15 fighting crime, but that community
16 policing model that's been discussed
17 time and time again today.

18 One thing I would say that we
19 do know in the Office of Attorney
20 General is when we are able to surge
21 resources to certain communities like
22 we've done in West Philadelphia, like
23 we've done in Kensington, it can have a
24 profound effect. So we do know that
25 increased resources using our agents to

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1 complement Philadelphia Police does have
2 an effect on violent crime. In West
3 Philadelphia, it led to a 40 percent
4 reduction in shootings in a six-month
5 period. We are happy to assist. We are
6 not a large agency, but it just shows
7 that with intelligence-based resources
8 going alongside Philadelphia Police, we
9 can have a profound effect.

10 The final thing that I'll
11 discuss, and I'm happy to take
12 questions, is one of the recommendations
13 in the Police Executive Research Forum
14 paper, it's an extensive discussion of
15 the problem and possible solutions,
16 streamlining the process.

17 And you all, I will commend
18 everyone that has commented and everyone
19 that is really working hard on this
20 issue because this is what needs to be
21 done. One of the things that is
22 discussed in the Forum is streamlining
23 the process to bring in recruits and
24 really making it easier for folks to
25 become officers even if it's for a short

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1 time, maybe not 25 years, but 5 years to
2 kind of stem the flow.

3 But one of them did deal with
4 streamlining the process, streamlining
5 the application process. And certainly,
6 what we've heard and what we've seen in
7 Philadelphia is that the residency
8 requirement is an impediment to that
9 process. So when you say really
10 streamlining the process to make it
11 easier for qualified people to come on
12 board, the residency requirement would
13 kind of do the opposite there.

14 So we would certainly -- based
15 on what we've heard from Commissioner
16 Outlaw and the Attorney General's
17 discussions with her and police chiefs
18 in the surrounding areas, the residency
19 requirement is a barrier to getting
20 qualified candidates for law enforcement
21 in the Philadelphia Police Department.
22 We would highly encourage to streamline
23 that process and that the residency
24 requirement would hamper the ability to
25 fully staff up.

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1 This is a crisis acutely in
2 Philadelphia. I want to reiterate it is
3 a crisis statewide and nationwide. But
4 for the streets that we work on a daily
5 basis, we do realize Philadelphia is
6 severely understaffed. And the Attorney
7 General is actively working to resolve
8 this crisis, actively working to
9 petition the General Assembly to put
10 funds and resources towards this problem
11 so that the community can be made to
12 feel safe, especially with community
13 policing so that we can get police
14 officers out of cars, back onto the
15 streets, on the bike patrols that every
16 Councilperson I've heard today has asked
17 for and it is extremely, extremely
18 vital.

19 I was a homicide prosecutor in
20 2010 to 2015. And almost every homicide
21 that I had when Commissioner Ramsey was
22 the Commissioner, the first responding
23 officer was somebody on a foot beat,
24 because they were in the most violent
25 areas, they were responding to these

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1 crimes and it was a pleasure to work
2 with these young police officers that
3 were just coming on to the force, and
4 they were immediately assigned to a foot
5 beat in that area.

6 I'm happy to take questions. I
7 know that we offer statewide
8 perspective, but certainly Philadelphia
9 is a priority for the Attorney General
10 and for our Office.

11 COUNCILMAN DOMB: Thank you,
12 Deputy Attorney General O'Malley. And
13 we'll have some questions.

14 I'm going to go back in the
15 queue. I know Councilmember Bass has
16 been waiting very patiently. Thank you
17 for your patience, Councilmember Bass.
18 And I'd like to ask you to ask your
19 questions now. Thank you.

20 COUNCILWOMAN BASS: Okay. So
21 just a few questions. I would like to
22 go back to some of the questions
23 regarding recruitment efforts and also
24 following up on those particular matters
25 and the folks who are selected to be

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1 members of the Philadelphia Police
2 Department. Good afternoon, Robin. How
3 are you? It's good to see you.

4 DEPUTY COMMISSIONER WIMBERLY:
5 (Waved hello).

6 COUNCILWOMAN BASS: How are you
7 doing. And I also see Christine
8 Coulter. How are you, Christine? Good
9 to see you as well. And I know our
10 Commissioner is on. So real quick let
11 me go through because I don't want to
12 take up all day.

13 Regarding hiring and the credit
14 scores, so we know that that was a
15 problem for a long time. And I know
16 Councilman Jones was the first one to
17 really drive that point home.
18 Councilman Isaiah Thomas also made the
19 point about credit scores. But another
20 thing that really came to my mind was a
21 number of people who have been
22 disqualified from being selected based
23 on sort of like the mental or the
24 psychological testing that was done
25 through the Police Department.

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1 And, you know, it's easier to
2 determine if someone doesn't pass let's
3 say a physical because you know exactly
4 what the requirements are, what the
5 parameters are or if they don't pass a
6 written test because you can obviously
7 score it, but obviously a psychological
8 is much harder to score, and an easier
9 way I would say to disqualify someone
10 from the Police Department.

11 And I have that particular
12 concern particularly in light of, I know
13 the Police Department had suspended or
14 attempted to fire -- I can't remember
15 exactly. But there was one person who
16 was in charge of recruitment for the
17 Police Department who was sort of
18 questionable I would say because of her
19 involvement with the insurrection that
20 happened January 6th of last year.

21 So I'm wondering all those
22 things taken into account, have we
23 changed any of these factors in terms of
24 being selected by the Police Department
25 with the written or with the

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1 psychological primarily?

2 COMMISSIONER OUTLAW: So the
3 psych is something that I don't think we
4 have any legal room there. But I think
5 the question that we've been trying to
6 address is diversity amongst those with
7 whom we contract, with the
8 psychologists. Commissioner Coul --

9 COUNCILWOMAN BASS: Say it
10 again. What was that?

11 COMMISSIONER OUTLAW: -- ter,
12 you want to take that.

13 DEPUTY COMMISSIONER COULTER:
14 Yes. We must give a psychological test.
15 It's a state requirement. One of the
16 things that we did in order to try to
17 make sure that they get it right and
18 we're inclusive is we added a second
19 test if somebody fails with a different
20 doctor, letting those two doctors each
21 score individually and then they come
22 back and talk about it. And probably
23 half of the people who may have been
24 ruled out on the first one wind up
25 getting hired based on the second

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1 doctor's opinion.

2 We used to give a second
3 polygraph, but we found that that was
4 not going to be an eliminating factor.
5 It was going to be an investigative
6 tool, so we felt we were spending money
7 on something that wasn't going to
8 necessarily tell us something, so we
9 transferred that into the psychological
10 exam to give more or less a second
11 chance to folks that sometimes you just
12 can be before a doctor in the way they
13 read you, like I don't pretend to know
14 exactly what skill set they're looking
15 for, but they do it at MMPI and a test
16 specifically for a cop.

17 And just to be clear when
18 someone doesn't pass the psychological
19 test, it doesn't mean that they're
20 crazy. It doesn't mean that there's
21 something mentally wrong with them. It
22 just means that in the doctor's opinion
23 they may not be ready to be a cop.

24 And just to give an example, I
25 had a young officer that worked for me

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1 years ago, he failed the first time he
2 took the psychological test. Took it
3 like three years later, passed the test
4 and he's still an officer today. And he
5 described to me, I would have probably
6 been locked up or fired had I become a
7 cop the first time, I wasn't mature
8 enough. I had some, you know, growing
9 up to do. I was 19 years old. At the
10 time, there was a requirement.

11 We have been very, very
12 intentional in making sure our
13 psychologists get a diverse group of
14 doctors. So we have people who
15 represent females and African Americans,
16 making sure that if you're going to get
17 a second look, you'll go to your doctor,
18 the second one will be somebody
19 different to give that, and we have seen
20 an --

21 COUNCILWOMAN BASS: Sure.

22 DEPUTY COMMISSIONER COULTER:

23 -- increased passing rate at the
24 psychological test.

25 COUNCILWOMAN BASS: And

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1 obviously, we don't want someone who
2 I'll just say is not well-suited
3 psychologically to be a police officer.
4 But I find that it's a less, you know,
5 if you're trying to exclude a certain
6 group of people, it's an easier way to
7 exclude people because it's not really
8 as definable as I said as the written
9 test or as the physical examination and
10 requirement, so it's an easier way to
11 sort of shift some folks out of the
12 running to be a police officer, so
13 that's my concern. I don't want anybody
14 obviously who doesn't --

15 DEPUTY COMMISSIONER COULTER:

16 Yeah, it is harder to measure.

17 COUNCILWOMAN BASS: I don't

18 want anybody who isn't mentally capable
19 and ready. But I know a few people who
20 have said the exact same thing, and I
21 don't know if they said something
22 different that sort of flagged them.
23 But to me, they seemed to be
24 well-qualified and well-suited for the
25 Philadelphia Police Department.

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1 DEPUTY COMMISSIONER COULTER:

2 And I would just hope that -- I mean,
3 the doctors are the professionals in
4 that area.

5 COUNCILWOMAN BASS: Sure.

6 Absolutely.

7 DEPUTY COMMISSIONER COULTER: I

8 don't think they would have any motive
9 to try to exclude anybody other than
10 making sure they're putting their stamp
11 on who they feel would be a fit at that
12 time. And like I said, there are people
13 who do come back and successfully pass
14 after a period of time. Some of them
15 are people who recently return from the
16 military. You know, people see a lot
17 and they deal with a lot and I think
18 they're trying to make sure that before
19 they give somebody that ability to take
20 somebody's freedom or life, that they're
21 at that moment in a good position and a
22 good place in their life to be a cop.

23 COUNCILWOMAN BASS: I would
24 agree. I would agree. We want people
25 who are in a good position mentally as

3/21/2022

1 well as physically to be able to perform
2 this position. It's much too important
3 to not take that into account.

4 But just going back, I
5 mentioned all of this because of my
6 concern around from what I understand
7 there was a key person who was doing the
8 recruitment for the Philadelphia Police
9 Department who was involved in the
10 insurrection of January 6th. So I don't
11 know if at any point based on some of
12 the concerns that have been mentioned
13 here today or could come up later after
14 I drop off, I don't know if there's
15 going to be any sort of review by the
16 Police Department in terms of why people
17 made it, why people didn't, how are we
18 going to examine all of these things,
19 how are we going to sort of do a reset
20 if that's necessary or appropriate. I
21 would suggest based on some of the
22 things that I'm hearing that we might
23 want to take a deeper dive and look at
24 some of those reasons.

25 And one other quick question:

3/21/2022

1 What are some of the main reasons that
2 Philadelphia residents aren't passing
3 the test or aren't becoming officers?

4 What would you say some of the main
5 reasons are?

6 COMMISSIONER OUTLAW:

7 D.C. Wimberly.

8 DEPUTY COMMISSIONER WIMBERLY:

9 Yes, ma'am. The two main reasons is the
10 reading and the agility test that have
11 to be taken --

12 COUNCILWOMAN BASS: Reading and
13 agility?

14 DEPUTY COMMISSIONER WIMBERLY:

15 Yes.

16 COUNCILWOMAN BASS: Okay. All
17 right. Very good to know. Very good to
18 know. The other question I have is --
19 okay, I see your graph here. The other
20 question I have is, are there folks who
21 have tried to become officers, passed
22 all of the requirements and still for
23 some reason not been selected?

24 DEPUTY COMMISSIONER WIMBERLY:

25 No.

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1 COUNCILWOMAN BASS: So if you
2 passed all of the requirements, you
3 would be hired by the Philadelphia
4 Police Department, you're saying?

5 DEPUTY COMMISSIONER WIMBERLY:
6 You would be extended the invitation to
7 come to the Philadelphia --

8 COUNCILWOMAN BASS: Right, you
9 would be --

10 DEPUTY COMMISSIONER WIMBERLY:
11 And some people actually go through the
12 entire process and then decline.

13 COUNCILWOMAN BASS: Sure.
14 Okay. I just wanted to be sure because
15 I sort of gotten the suggestion that
16 there are people who have gone through
17 the entire process who have passed every
18 segment of the way and who have still
19 not been hired by the Philadelphia
20 Police Department and questioned why
21 that was. But you're saying that that's
22 not accurate?

23 DEPUTY COMMISSIONER WIMBERLY:
24 No, it's not.

25 COUNCILWOMAN BASS: Okay. Very

3/21/2022

1 good. And I apologize, but I have to
2 run to another meeting so I think that
3 I'm going to have to end my questioning
4 here. But I do want to encourage that
5 as we're looking at the hiring process
6 for the Philadelphia Police Department,
7 and I don't know if this is something
8 that already happens, that we're
9 including organizations in the
10 assistance of groups within the Police
11 Department like the Black and Latino
12 Caucuses, which already exists in the
13 Police Department, and also maybe some
14 outside organizations like the NAACP,
15 like a number of organizations here in
16 the City and to maybe help them help you
17 do the recruiting and also the selection
18 and to fill or figure out some of the
19 holes. Sometimes you have to look
20 outside to make a stronger inside, if
21 you know what I mean, so just a thought.

22 COUNCILMAN DOMB: Okay. Thank
23 you, Councilmember Bass. Thank you very
24 much.

25 COUNCILWOMAN BASS: Thank you.

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1 COUNCILMAN DOMB: Now, we go to
2 Councilman Squilla who's also been very
3 patient. Thank you for your patience,
4 Councilman Squilla.

5 COUNCILMAN SQUILLA: Thank you,
6 Mr. Chairman, and I appreciate this
7 conversation today.

8 A lot of things have been
9 covered, my questions. I want to go
10 back to Barry real quick in that how we
11 look at the providers for Heart and
12 Lung. And do we keep statistics on them
13 and do we grade them in a way where we
14 know the better providers and are we
15 looking for other providers to address
16 some of our concerns?

17 MR. SCOTT: Thank you,
18 Councilman. We do keep -- we don't have
19 statistics, per se, because providers
20 are treating a number of different kinds
21 of injuries. And so, we don't have any
22 sort of information that we've been able
23 to develop to say, oh, okay, it's better
24 to go to Dr. A for a left shoulder
25 strain because Dr. A has been better at

3/21/2022

1 having folks recover from left shoulder
2 strain.

3 For the City's primary panel,
4 we are looking to have folks who are
5 specialists specializing in occupational
6 medicine, so they are regularly treating
7 injured workers all the time, our
8 injured workers and other people's
9 injured workers, so those individuals
10 have experience in occupational medicine
11 and they see a lot of occupational
12 injuries and illnesses.

13 So some of the providers that
14 are on the Heart and Lung panel have
15 come from a family medicine background
16 so they don't have as much experience
17 seeing injuries at work. And so,
18 there's a little bit of a different
19 level of experience there that we see in
20 those providers.

21 COUNCILMAN SQUILLA: Okay. So
22 is there a way though that we look at
23 them, because if we're having providers
24 that maybe have people out and never get
25 better compared to some providers that

3/21/2022

1 work with folks and get them back to the
2 job, there's no way to measure that and
3 we (inaudible) to make that happen?

4 MR. SCOTT: We do, and I'm
5 sorry for not being clear. So here in
6 our program we use guidelines
7 established by the American College of
8 Occupational and Environmental Medicine,
9 which provides guidelines for the
10 duration of disability for various types
11 of work-related injuries, and those
12 guidelines are used by all of the
13 providers in our program, both the folks
14 on our Regular panel and the folks on
15 our Heart and Lung panel.

16 And so, we do track how well
17 people are complying with those
18 guidelines and our medical directors who
19 are from Risk Management and also from
20 our third-party administrator work with
21 doctors who are not holding to those
22 guidelines in terms of addressing issues
23 where they have strayed from the
24 guidelines for the quality of care and
25 the direction of care.

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1 COUNCILMAN SQUILLA: Okay. So
2 we have the ability to see if somebody
3 is not performing properly. Is there a
4 certain contract they have of how many
5 years and then we would be able to then
6 say and we remove them from the contract
7 and then bring on additional people to
8 maybe make that work?

9 MR. SCOTT: So the contract
10 that we have with a provider is not
11 directly with the City. The City
12 contracts with our third-party
13 administrator, currently PMA, and they
14 contract with the providers that we have
15 on the program. But we can direct PMA
16 to say if we have a problem with a
17 provider, that we no longer want them
18 treating the City's workers. So we do
19 have that ability under our relationship
20 with PMA.

21 COUNCILMAN SQUILLA: All right.
22 So then we do have some form of grading
23 system. If we can provide that to the
24 Chair for all the providers that are out
25 there and then maybe see where we're

3/21/2022

1 going wrong with some folks, because it
2 could be maybe some providers are not
3 doing the job that they are really paid
4 to do and maybe we should be looking at
5 a different angle.

6 And real quick question for the
7 Commissioner, and I know this was asked
8 about the hiring practices. It seemed
9 like a list that was like 2400 people on
10 the list for the Police Department. Out
11 of that 2400, is that still 2400
12 available for upcoming classes or was
13 that 2400 list already used?

14 COMMISSIONER OUTLAW:
15 D.C. Wimberly, do you want to clarify
16 that?

17 DEPUTY COMMISSIONER WIMBERLY:
18 Yes. Good afternoon. That is the list
19 that we're currently working off of.

20 COUNCILMAN SQUILLA: And when
21 we have our classes, and you said there
22 was 70 in the class graduating and
23 there's another class that's starting,
24 is there a way to have additional
25 classes follow up with each other to

3/21/2022

1 work down that list?

2 DEPUTY COMMISSIONER WIMBERLY:

3 Yes.

4 COUNCILMAN SQUILLA: Okay. So
5 we have a plan moving forward to have
6 additional classes. How many more
7 classes are we having and how many
8 people are we looking to have in future
9 classes?

10 DEPUTY COMMISSIONER WIMBERLY:

11 I would say we're looking to hire as
12 many as we can once we go through the
13 list. But we've been trying to put a
14 class in every three months. If we
15 could do it sooner, we would because the
16 class sizes are not that large.

17 COUNCILMAN SQUILLA: You said
18 if you could do it sooner, you would.
19 But can we?

20 DEPUTY COMMISSIONER WIMBERLY:

21 I don't think we can because we're
22 working on the list now. So by the time
23 we go through the list and get the
24 number of recruits that we can put in,
25 it's usually around a three-month

3/21/2022

1 period.

2 COUNCILMAN SQUILLA: It takes
3 that much time to go through that list.
4 And what is the maximum number of people
5 you can have in a class?

6 DEPUTY COMMISSIONER WIMBERLY:
7 Christine.

8 DEPUTY COMMISSIONER COULTER:
9 Good afternoon, Councilman. We don't
10 have a cap. We've had classes as large
11 as 130. The key is to having ready and
12 qualified candidates. And so, if
13 they're not in the system as signed up
14 and ready, then -- so we've had a class
15 as small as 17 and one as large as 130.
16 But ideally, we would love to put this
17 year four classes of 125 each just to
18 get rid of our deficit, and that's not
19 even counting the people who will be
20 leaving this year, the known as well as
21 the surprise departures.

22 So we have a facility at the
23 Training Bureau big enough to accomplish
24 whatever we can get ready. It's just
25 getting people interested in the job,

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1 qualified for the job and then getting
2 them in the seat.

3 COUNCILMAN SQUILLA: Because
4 you know even with drop and you know how
5 many people are, I guess, declaring to
6 leave this year and next year, so we
7 know that we're going to have to build
8 through that attrition anyway. So
9 wouldn't it be better to try to
10 consistently add these classes?

11 DEPUTY COMMISSIONER COULTER:
12 Well, it's always our effort to put at
13 least four in a year. We would do more
14 if we -- if Deputy Wimberly came to me
15 today and said, hey, I have 80 ready in
16 two months, then they will go in two
17 months. We don't hold them back because
18 we don't want them to go in. It's just
19 trying to get a class size that's going
20 to make a difference as they come out.

21 We know who's in the drop, but
22 we don't know in addition we're going to
23 have other people that will retire
24 suddenly, that will leave the
25 Department. That drop number is only a

3/21/2022

1 baseline indicator. The number is
2 actually going to be greater.

3 COUNCILMAN SQUILLA: All right.
4 Thank you so much and thank you for all
5 the colleagues that asked very good
6 questions.

7 Thank you, Chairs.

8 COUNCILMAN DOMB: Thank you,
9 Councilman Squilla.

10 And also, I just want to
11 reiterate what Councilman Squilla said.
12 There's some really good ideas coming
13 from my colleagues in this hearing. And
14 the idea of us being able to really I
15 guess grade the providers for these
16 services will be very helpful to see
17 who's getting them back to the job
18 quicker versus those that are not. So
19 really good information coming out, so I
20 really appreciate that.

21 Now, we're going to go to
22 Majority Leader and Co-Chair
23 Councilmember Parker.

24 COUNCILWOMAN PARKER: Thank
25 you, Chairman Domb.

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1 Chief Deputy Brendan O'Malley,
2 are you on? Chief Deputy Attorney
3 General, are you still with us?

4 DEPUTY ATTORNEY GENERAL

5 O'MALLEY: I'm on still, Councilwoman.

6 COUNCILWOMAN PARKER: Chief
7 Deputy Attorney General Brendan
8 O'Malley, let me say a huge thank you
9 for your presence here today and your
10 providing some state and quite frankly
11 national context to the staffing
12 shortage that we are having here in the
13 Philadelphia Police Department and
14 letting us know this is happening across
15 the Commonwealth. And I wanted to make
16 sure that I had that number correct.
17 Did you say 1200 vacancies across the
18 Commonwealth?

19 DEPUTY ATTORNEY GENERAL

20 O'MALLEY: 1200 across the Commonwealth,
21 and we believe that number is
22 understated.

23 COUNCILWOMAN PARKER: Okay.

24 Thank you. And one of the things you
25 talked about is the competitiveness and

3/21/2022

1 regionally what has happened. I am
2 familiar with several members of the
3 Philadelphia Police Department who have
4 in essence resigned and sought
5 employment in one of our area four
6 counties where they have said, as you so
7 duly noted, that, listen, we feel like
8 the risk will be lesser when we are
9 there, our families are happy about the
10 fact that we are moving to another
11 region.

12 Is this also a phenomenon that
13 you've also seen from across the
14 Commonwealth or would you say that that
15 is something that has taken place
16 specifically here in the five-county
17 region in Philadelphia?

18 DEPUTY ATTORNEY GENERAL

19 O'MALLEY: No, that is certainly
20 Commonwealth. That is across the
21 Commonwealth. There are counties or
22 departments for whatever reason, there
23 may be a bigger tax base in a
24 neighboring jurisdiction and they're
25 better able to fund their officers, so

3/21/2022

1 we see it in Altoona, we see it in
2 Scranton. That's a phenomenon that we
3 do see across the Commonwealth. And it
4 has existed for some time. I just think
5 a lot of these -- we're in a perfect
6 storm where a lot of these issues have
7 kind of boiled up to the top, but it's
8 an issue that is across the state.

9 COUNCILWOMAN PARKER: So again,
10 thank you for just giving us this
11 context and putting it on the record.
12 And for the benefit of the viewing
13 public, I think it's important to note I
14 can remember being back in elementary
15 school at the William Rowen Elementary
16 School at 19th and Haines Street, and
17 maybe not so much for the girls in the
18 class, but we would have career day
19 every year.

20 And when the teacher would ask
21 you to raise your hand to talk about
22 what you wanted to be in the future,
23 becoming a police officer and/or a
24 firefighter, it was like a staple
25 response, right, because there was a

3/21/2022

1 sense of distinction and dignity
2 associated with those careers that we
3 have seen because of a number of reasons
4 sort of dissipate to the point where if
5 you walk into some high schools in the
6 City of Philadelphia today and you talk
7 to students, particularly seniors, about
8 considering becoming a police officer in
9 our City, the interest is not there.

10 And so, I appreciate you just
11 noting for the record that you were
12 really encouraged by hearing members of
13 our body acknowledge that law
14 enforcement in a presence in our
15 community is something that is needed,
16 because being a police officer right now
17 is not the easiest job in the world to
18 have, and saying that out loud is not
19 something that we heard to be quite
20 frank. It was not in vogue over the
21 past two or three years to say that out
22 loud. But I wanted to state that for
23 the record. And I will continue to
24 support it anyway that I can in helping
25 to recruit. So I just wanted to thank

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1 you, Chief Deputy, for giving us that
2 statewide and/or national context.

3 Let me quickly ask you,
4 Commissioner Outlaw and/or Deputy
5 Coulter, I don't know who can help me
6 with this, because you have shown us
7 and, Commissioner, I don't know if you
8 can put the slide back up, where you
9 showed sort of our understaffing levels
10 here in the City of Philadelphia. I
11 think I saw a 750 number. I just want
12 to make sure that was correct. Help me
13 if I'm wrong there.

14 DEPUTY COMMISSIONER COULTER:
15 Councilwoman, I can take that. That
16 number was from what our authorized
17 strength was in 2018. Our authorized
18 was lowered by 195, and now we're still
19 500 below our new number. But that
20 would have been our number of our
21 authorized strength as of 2019, which
22 was the area that we were covering for
23 today's presentation. So we're down 750
24 officers. They're not all the rank of
25 police officers, 750 of our department

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1 strength. Some of that is captured in
2 other ranks, detectives and so forth.

3 COUNCILWOMAN PARKER: With that
4 in mind, can you all give me a dollar
5 amount then that we can attribute to
6 that because that should mean that we
7 are all in essence on track to
8 underspend Class 100, and that is our
9 class for salaries in this fiscal year.
10 How much would you say we're on track to
11 underspend?

12 DEPUTY COMMISSIONER COULTER:
13 Well, mathematically, Councilwoman, if I
14 may, we're not on track to underspend
15 because for every one of those
16 vacancies, we still have the same things
17 that have to be covered. So we have to
18 hire officers on overtime which is
19 actually more than their salary on time
20 and a half. What we do save on is their
21 benefits because we're not paying
22 benefits to them twice when they're in
23 that capacity.

24 So right now the Police
25 Department is on budget, but we're not

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1 underbudget because every time we had a
2 special event, for instance say the New
3 Year's Parade, we were able to put a lot
4 of officers on straight time at that
5 event. We no longer have that luxury
6 without stripping people from our
7 communities that are working during
8 those days. So we have to up those
9 numbers with officers who are on
10 overtime.

11 And as you can see the chart
12 that the Commissioner just put back up
13 on our staffing versus overtime, when we
14 have less officers, we actually have to
15 spend more money to make up that gap.
16 So I mean, I understand the way you
17 phrased it because it would make sense
18 that we would be saving all of those
19 salaries, but what we're doing is
20 spending it in additional coverage in
21 overtime to make sure we have sufficient
22 coverage on not only details, but every
23 night working in districts Deputy Dales
24 considers his deployment plan to make up
25 for those officers that he's missing.

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1 COUNCILWOMAN PARKER: I asked
2 that question, Deputy, because someone,
3 and I was very intentional because I was
4 about to reference the overtime, but I
5 was very intentional because someone is
6 going to say that, well, if we are
7 dealing with such an intense level of
8 staffing shortages, that means we should
9 see a rollover of Class 100 dollars
10 rolled over for FY23.

11 And so, the reason why I asked
12 the question is because I wanted you to
13 answer it and get it on the record so
14 that if someone does not see that in the
15 coming budget, what is the explanation
16 as to why.

17 DEPUTY COMMISSIONER COULTER:
18 Thank you. Appreciate the question.

19 COUNCILWOMAN PARKER: Let me
20 also ask you this, and I want you to
21 walk me through this because I was told
22 that it was about 10 steps. Can you
23 walk me through the steps that it takes
24 for someone to become a Police Academy
25 recruit? Would you say that there are

3/21/2022

1 in essence about 10 steps that folks
2 have to get through? And let me just go
3 back up here to my notes because I said
4 10 steps. Let me see --

5 COMMISSIONER OUTLAW:
6 D.C. Wimberly, while I get that slide
7 up, do you want to -- here we go.

8 COUNCILWOMAN PARKER: We're
9 pulling the slide up, Commish?

10 COMMISSIONER OUTLAW: Yes,
11 ma'am.

12 COUNCILWOMAN PARKER: Okay.
13 Once you pull the slide up, Chief Deputy
14 O'Malley, are you still on?

15 DEPUTY ATTORNEY GENERAL

16 O'MALLEY: I'm still here.

17 COUNCILWOMAN PARKER: Chief
18 Deputy, when you look at the steps that
19 it takes here in the City of
20 Philadelphia in our recruitment process,
21 especially since you again gave us some
22 national context when you referenced
23 data collected from the Police Executive
24 Research Forum, would you say that this
25 is standard operating procedure,

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1 particularly when we think about the
2 largest cities across the nation or even
3 here in the Commonwealth?

4 DEPUTY ATTORNEY GENERAL

5 O'MALLEY: So I can't say based on this
6 whether that's too long of a process.
7 But what I do know is this, they have
8 cited an agency that previously the
9 process was 18 months. And they boiled
10 it down by eliminating redundancies and
11 really taking a hard look at their
12 process to 4 months.

13 So I don't know. That may have
14 been done already in Philadelphia, but
15 it was cited in the report around the
16 country that departments are taking a
17 good hard look at streamlining the
18 process. That may have already been
19 done in Philadelphia. I don't know.
20 But the departments are -- yes, so just
21 to directly quote, Washington, D.C., the
22 Metropolitan Police Department reviewed
23 their entire process from start to
24 finish, identifying the steps that took
25 the longest amount of time and

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1 eliminating redundancies in the process.

2 Steps that could occur

3 simultaneously were consolidated. Other

4 components were outsourced to keep the

5 process moving without taxing internal

6 resources. So Metropolitan PD, it was

7 18 months, and they were able to reduce

8 that process to under 4 months based on

9 that high level review that they did of

10 their process. So I think that it's

11 proper to be asking these types of

12 questions.

13 COUNCILWOMAN PARKER: Got it.

14 Thank you so very much for getting that

15 on the record.

16 My last question, Commissioner

17 or either of our Deputies, because as I

18 look at the resolution that was

19 introduced by our Chairman, aside from

20 our current staffing landscape within

21 the Police Department, he encouraged us

22 to identify issues and solutions to

23 improving public safety to make sure we

24 are making the best use as possible for

25 taxpayer dollars. And one of the issues

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1 that has constantly come up when I am
2 talking to people in neighborhoods and
3 they are again saying to me where are
4 our beat officers and our bike patrol
5 officers, they are also talking about
6 the 911 response.

7 With that being said, Commish,
8 tell us, if you will, where we are with
9 our 911 dispatchers complement and if we
10 are looking at the same staffing
11 shortages that we are when it comes to
12 police officers on the street?

13 COMMISSIONER OUTLAW: Sure.
14 D.C. Coulter will tell you that it's
15 getting a little bit better. We've been
16 able to get some numbers through as far
17 as hiring folks, and our response times
18 have been down, but there's still some
19 work to be done.

20 D.C. Coulter, you want to give
21 an update on where we are with that?

22 DEPUTY COMMISSIONER COULTER:
23 Sure. Yes, ma'am. We have had -- our
24 large two classes were the largest
25 classes we've had in quite some time.

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1 One of them was 29. The other one was
2 26, respectively. What that resulted in
3 is a significant decrease in wait time.
4 We have a goal, which adheres to our
5 PEMA goal, of answering 90 percent of
6 our calls in 10 seconds. That's what
7 our goal is.

8 With the exception of weekends,
9 in the last six weeks we've been meeting
10 that goal every day. And on weekends,
11 we're at about 83 or 84 percent which is
12 pretty good considering the volume of
13 calls that we experience. On an average
14 day in the wintertime and I guess early
15 spring, it's about 6,500 calls a day.

16 Some of them are much more
17 complex than others. We have a mental
18 health script that we answer to. We
19 have a lot of things that we're now
20 trying to get to make sure we're sending
21 the right response, so to answer that
22 volume in the first 10 seconds. And
23 even as we fall off, maybe the next 5
24 percent are answered within 15 seconds.
25 So it's like if you didn't get answered

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1 in 10 seconds, you're waiting a half
2 hour. Our times are really closing in.

3 And let's face it, our best
4 gauge is the people who call and
5 complain and tell us how long they've
6 waited. They've decreased significantly
7 over the last six weeks because our
8 response has been better. We're still
9 not staffed where we need to be. We
10 have a class that's in right now of 16
11 that will be graduating in about four
12 more weeks.

13 The key is to get people -- we
14 get a new list and sometimes the first
15 10 people on the list don't come in for
16 the interview. Now, they're new lists
17 so it's not like they've been waiting a
18 long time, but we're competing with
19 everybody else for all these jobs, but
20 we're getting more people than we have
21 in quite some time --

22 COUNCILWOMAN PARKER: Deputy,
23 Deputy, tell me how many we have now in
24 terms of the actual number.

25 DEPUTY COMMISSIONER COULTER:

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1 We are at -- our original authorized
2 strength, which I think is 285, and now
3 we're working on -- we got an increase
4 last year with the help of the Managing
5 Director of adding 75 more positions.
6 So, so far we've been able to add 15 of
7 them and continuing the work towards
8 that additional 60 in classes that we're
9 hoping to get in before the end of this
10 fiscal year, which will be the end of
11 June. So we're working really hard to
12 getting them in.

13 COUNCILWOMAN PARKER: And the
14 total --

15 DEPUTY COMMISSIONER COULTER:
16 So we're hoping to get to 360, 370,
17 which is a huge increase that we've ever
18 been. And this is the highest number
19 that we've had in the last six years.
20 We still have a turnover rate. But what
21 we've been able to do in the last six
22 weeks since we've had these new hires is
23 eliminate the mandatory overtime for
24 folks because it was really working
25 against us.

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1 They were in a position where
2 they too have families. They have kids
3 coming home from school. They have
4 challenges that they can't always stay
5 and we're doing it on a voluntary basis
6 and still increasing our percentage of
7 calls answered in --

8 COUNCILWOMAN PARKER: Listen,
9 what I'm going to do, Deputy, and I
10 appreciate you acknowledging that we've
11 had Philadelphians from across the City
12 complaining that they cannot quickly get
13 through to 911 and sometimes they can't
14 get through at all. So hearing these
15 numbers and the classes that we are
16 working on right now, we will make sure
17 we let you know from our perspective
18 whether or not the complaints that we
19 get in our office about the response,
20 whether or not we've seen those numbers
21 decrease.

22 My final question,
23 Mr. Chairman, and I want to stay on this
24 911 issue, is that we are more than 20
25 years into the 21st century, and texting

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1 technology, this is something I've been
2 asking about since I've been a member of
3 this City Council. Texting technology
4 has been around for even longer than
5 that.

6 We know New York City has
7 implemented 911, a texting
8 infrastructure. And while Philadelphia
9 has made significant headway and I think
10 you have some pilots going on, have you
11 conducted a cost-benefit analysis in
12 essence as to what it would take for us
13 to implement 911 in our City?

14 And I want to state for the
15 benefit of the public when this is
16 marketed in New York City, they
17 encourage everyone to call 911. They
18 are not discouraging people or telling
19 people to text instead of call. They're
20 saying calling is what we would prefer
21 that you do. But for those who are
22 deaf, who are hard of hearing,
23 speech-impaired or those who may be
24 impacted by domestic violence or let's
25 think about somebody riding on our mass

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1 transit system and they're afraid to
2 pick up the phone or can't get a signal
3 underground and they are trying to text
4 something to us or they can get a signal
5 but they're afraid to talk, tell me
6 about what cost-benefit analysis looks
7 like to make texting to 911 standard
8 operating procedure in Philadelphia and
9 have we explored it.

10 COMMISSIONER OUTLAW:

11 D.C. Coulter.

12 DEPUTY COMMISSIONER COULTER:

13 Yes, Councilwoman, we have explored it.
14 And you're right, we have some pilots
15 going on, so we have built the
16 infrastructure. What we don't have is
17 the capacity. When we examined the
18 other major cities that have gone to
19 text 911, they had a significant
20 increase of, I believe, the number was
21 like 60 percent. It was a very, very
22 high number because I guess at the ease
23 of texting --

24 COUNCILWOMAN PARKER: Wait,
25 wait, I just want to make sure I'm clear

3/21/2022

1 because I want to make sure I heard you
2 correctly. For those cities that employ
3 the use of texting to 911 as their
4 standard operating procedure, you're
5 telling me that there was an increase in
6 the volume of communications with 911,
7 some as high as 60 percent?

8 DEPUTY COMMISSIONER COULTER:

9 Yes. Now, they too wouldn't be -- they
10 still encourage people calling. But as
11 you know, we're in a generation where
12 texting is more popular than calling
13 with a lot of folks. What we don't have
14 built in is a capacity issue. When we
15 had looked at the numbers if we were to
16 go live with text 911, we would probably
17 need to double our staffing which we've
18 never even been able to get to, the
19 number that we're trying to get to now,
20 as well as find a facility for them to
21 work out of because we wouldn't have the
22 capacity to double even moving into our
23 new headquarters to double our size.

24 So --

25 COUNCILWOMAN PARKER: So stop,

3/21/2022

1 I want to make sure I'm clear for the
2 record. In order for Philadelphia based
3 on our analysis, our internal analysis,
4 in order to make texting to 911 a
5 reality in the City of Philadelphia, you
6 are projecting that we could quite
7 possibly have to double that complement
8 of approximately 360 or 370 911
9 dispatchers but for texting operations?

10 DEPUTY COMMISSIONER COULTER:

11 Yes, if we were consistent with the
12 other cities. And I wouldn't know
13 that -- we would never know what our
14 increase will be until we're there. But
15 we do have it available for our
16 hearing-impaired, we're looking to roll
17 it out, and to domestic violence
18 victims, people who we know may not be
19 able to speak. So it's something that
20 we want to use.

21 There's also the other factor
22 that we haven't discussed, in that it
23 would also require the Fire Department
24 to be able to go to that point as well
25 and meeting with Commissioner Thiel and

3/21/2022

1 some of our OIT folks, that capacity for
2 them would have to be built out as well.
3 And so, there are some challenges. The
4 additional challenges are with our
5 mental health evaluations. All of those
6 conversations would have to be texted
7 back and forth because they're
8 predicated with what a response is.
9 It's not just the standard here's the
10 questions you ask.

11 You would then have to be
12 involved with going back and forth if
13 they answer to the affirmative, what do
14 we now ask them next. And I actually
15 think in those cases it may cause a
16 delay as opposed to being able to
17 forward to the appropriate mental health
18 or CIT. So there are challenges that
19 don't only affect us, but affect Fire as
20 well because we send calls over to them.
21 And to have that capacity to send that,
22 Commissioner Thiel in our last meeting
23 thought that that would really overwhelm
24 his system as well. So it would require
25 that conversation with all of our

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1 emergency providers, paramedics, Fire as
2 well as Police to look at any way
3 expanding a roll-out.

4 COUNCILWOMAN PARKER: Thank you
5 so very much for getting that entire
6 response on the record. We are
7 currently in conversations with some law
8 enforcement agencies and cities across
9 the U.S. And I will tell you that is
10 really interesting here to hear our
11 response and some of the responses that
12 we've gotten from some of the other
13 departments on how they have consumed
14 the cost and the cost-benefit analysis
15 that they are sharing what it has meant
16 to their budget, so we'll keep that in
17 mind.

18 Mr. Chairman, I want to thank
19 you. And I do also want to go on the
20 record as noting that spending \$10,700
21 to advertise recruitment to encourage
22 more people to go to the Police Academy
23 is definitely not where we need to be.
24 I think we need to make a significant
25 investment there.

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1 And, Commissioner Outlaw, I
2 thank you for acknowledging D.C. and I'm
3 not sure if you said Baltimore, but
4 other regions who actually purchased air
5 time and radio time in other cities,
6 particularly in their region.

7 Councilmember and Chairman
8 Domb, that is the same thing that
9 occurred to us from a visitor and
10 tourism perspective with Baltimore
11 strongly during COVID encouraging people
12 that they were open for business, and
13 they targeted our media market to
14 encourage our residents to come there.
15 And I think we need to be thinking the
16 same way as it relates to recruitment
17 for our Philadelphia Police Department.
18 Thank you all so very much for your
19 time.

20 COUNCILMAN DOMB: Thank you,
21 Majority Leader, for your questions and
22 input today. Very valuable.

23 So in the interest of time, I
24 have a few quick questions. But I'm
25 going to call them lightening-rod

3/21/2022

1 questions, so you can give me very, very
2 brief answers to them. And I'm going to
3 start off with the Director of Forensic
4 Science Mike Garvey. I know that I took
5 a great tour of your facility and I know
6 you're really short of forensic
7 scientists there. Can you just give me
8 an idea, one, how many forensic
9 scientists you have right now and how
10 many you're short?

11 DIRECTOR GARVEY: Sure. Total
12 right now we have about 169 total
13 currently. We have 48 that we're trying
14 to hire. That would bring us up to just
15 about 220.

16 COUNCILMAN DOMB: Okay. Not
17 today, but if you can submit to us maybe
18 in writing to the Police Commissioner
19 suggestions or ideas of what we could do
20 to help you staff up, we would love to
21 hear them. And that's for any
22 department by the way. We want to get
23 all the input as much as possible to
24 make this better. So whatever you can,
25 I would appreciate it.

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1 My next question is for Deputy
2 Attorney General Brendan O'Malley. So
3 you mentioned that, FDAG, that 80
4 percent of the current police officers
5 would not recommend policing as a career
6 I believe and Majority Leader Parker
7 mentioned when she went to Rowan
8 Elementary growing up, that was like a
9 very popular field to go into, policing,
10 and now, nobody wants to go into it. So
11 clearly, this is not a Philadelphia or
12 Pennsylvania, this is a U.S. problem.

13 DEPUTY ATTORNEY GENERAL

14 O'MALLEY: Right.

15 COUNCILMAN DOMB: Based on

16 that, is there any type of image or
17 marketing or advertising that the State
18 should be doing, okay, to attract people
19 into policing and is there a way that
20 the State could come up with a format of
21 advertising on social media, on T.V. and
22 others mechanisms that they would
23 recommend? They maybe have to hire an
24 agency to come up with ideas, but give
25 each municipality the format where we

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1 could put in specifics for Philadelphia.
2 If Montgomery wanted to use it, they use
3 it for Montgomery, but we have the
4 template?
5 DEPUTY ATTORNEY GENERAL
6 O'MALLEY: I think it's something we can
7 definitely explore, Councilman. It's
8 not something that was discussed at
9 length previously. However, I will say
10 again the importance of all of the
11 police chiefs we talked to said that the
12 negative environments surrounding
13 policing now is having a really
14 deleterious effect on recruiting. And
15 when we do have people like yourselves
16 that will support law enforcement for
17 the right reasons, that that goes a long
18 way. So even just public statements or
19 public comments that would support them
20 when they do, do the right thing instead
21 of just the negative attention when
22 sometimes it is warranted, it is really
23 important and impactful. And that's
24 police chiefs across the state that have
25 said that. But we can certainly look

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1 into a blueprint and a format for the
2 State to push out, messaging regarding
3 the positive aspects of being in law
4 enforcement.

5 COUNCILMAN DOMB: Even for our
6 public schools and other schools, we
7 should have that messaging out there for
8 our students to see that. This is not
9 just a Philadelphia problem. This is a
10 nationwide issue.

11 DEPUTY ATTORNEY GENERAL
12 O'MALLEY: Correct.

13 COUNCILMAN DOMB: All right.
14 Well, thank you for being here. I want
15 to also thank each witness for being
16 here today and for your insight. We
17 appreciate your testimony today and look
18 forward to working with you in the
19 future.

20 And I also want to say I think
21 this discussion was very important today
22 and there were great ideas that came out
23 of it. And my office will be sending
24 out some follow-up items requested by my
25 colleagues. And given the questions and

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1 suggestions made today, I think there
2 will likely be another hearing in the
3 near future to get some updates. We
4 also anticipate these issues being
5 raised probably during our budget
6 season.

7 And would either of my
8 Co-Chairs like to make any closing
9 remarks before we adjourn?

10 (No response.)

11 COUNCILMAN DOMB: Okay. Seeing
12 none, I have quick closing remarks I
13 want to make on the lighter side. I
14 will say this, I'm very impressed,
15 Commissioner Outlaw, with the
16 Philadelphia Police Department. And
17 I'll give you my reasons why:

18 One, 8 o'clock Sunday morning,
19 D.C. Dales calls me and says, I just
20 wanted to let you know, Councilman, we
21 had a big issue with ATVs and dirt
22 bikes, without getting into the detail,
23 we took care of it Saturday night, and
24 they did a great job. So kudos to
25 everyone in that department.

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1 And two, I'll just share with
2 you a quick one. I took a ride-along I
3 think it was a Friday night 6:00 to
4 10:00 in the 24th Police District back
5 in November. Sat in the front seat,
6 wore a bulletproof vest, watched your
7 officers work like it was amazing. I
8 think they made two or three arrests in
9 that four-hour period.

10 And I was really totally so
11 proud of the officers that worked in
12 that 24th District, gave me and still
13 gives me such pride for these people,
14 what they're doing every day to keep us
15 safe. And I got to tell you, they did a
16 great job.

17 And last but not least on the
18 lighter side, the entrance physical
19 fitness requirements that Eric Gripp put
20 in the chat, everyone should print that
21 out. I looked at it, and I looked for
22 my age which is the oldest one, okay.
23 And I think three of the four things I
24 could do, and I have to check on the
25 fourth one which is the 1.5 mile run,

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1 but I think I can do the other three.

2 So if you're really short, give me a
3 call.

4 Anyway, thank you for being
5 here today. This concludes our hearing
6 on Resolution --

7 DEPUTY COMMISSIONER COULTER:
8 Look at your phone. It's ringing.

9 COUNCILMAN DOMB: I will --
10 220153 and the hearing is adjourned.
11 Thank you for being here. Thank you.

12 (Joint Committees on Public
13 Safety, Labor and Civil Service and
14 Fiscal Stability and Intergovernmental
15 Cooperation concluded at 1:45 p.m.)

16

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I, hereby certify that the

proceedings and evidence noted are contained
fully and accurately in the stenographic notes
taken by me in the foregoing matter, and that
this is a correct transcript of the same.

TANEHA CARROLL
Court Reporter - Notary Public

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