

Police Accountability: Amicus Brief in City of Philadelphia v. Fraternal Order of Police Lodge No. 5

In November 2024, the ARC Justice Clinic and co-counsel from the Defender Association of Philadelphia and the American Civil Liberties Union of Pennsylvania [submitted an amicus brief](#) in the Pennsylvania Supreme Court case *City of Philadelphia v. Fraternal Order of Police Lodge No. 5*. This case is an opportunity for the Pennsylvania Supreme Court to hold police accountable to communities.

What is this case about?

The case concerns Act 111, a law that limits the ability of courts to enforce accountability for police officers who commit misconduct. When a police department fires an officer for misconduct such as violence or sexual harassment, an arbitrator can overturn the decision to fire the officer. Arbitrators often overturn cases for reasons unrelated to the officer's actual actions, including what punishment other officers received in similar cases and the arbitrator's opinion of the officer's character. Under the current implementation of Act 111, an arbitrator's decision is almost always final, even when the officer's conduct was harmful and egregious.

What does our brief ask the court to do?

Our amicus brief asks the Pennsylvania Supreme Court to expand lower courts' ability to review and overturn unjust arbitration decisions in police misconduct cases. One way to do this would be to allow judges to ensure arbitrators are following the terms of the collective bargaining agreements between cities and police departments when making decisions. Another option would be to allow courts to overturn arbitration decisions that do not align with public policy interests such as police accountability or racial justice.

Who is most impacted by police misconduct?

In Philadelphia, Black residents and other people of color are more likely to face violence from police and less likely to have their complaints against police acted upon. By handing the power to rehire unfit police officers to arbitrators and preventing courts from imposing common sense limits on arbitrators' decisions, Act 111 as it stands prevents communities of color from obtaining accountability from police, endangering residents and eroding trust in law enforcement.

[Read our amicus brief](#) in *City of Philadelphia v. Fraternal Order of Police Lodge No. 5* to learn more about demanding police accountability for our communities.

Fast Facts: Racial Disparities and a Biased System

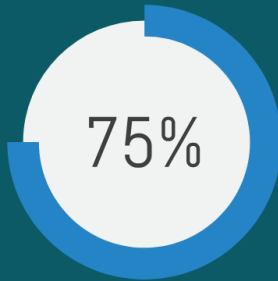
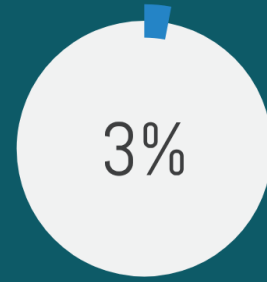
- In Philadelphia, less than 3% of complaints of police misconduct result in any discipline against an officer.
- When Philadelphia police officers are fired for misconduct, they have a 75% chance of being reinstated via arbitration.
- Black Philadelphians file more complaints about police misconduct (57% of complaints, compared to 16% made by white people), but are less likely to have their complaints substantiated by the police department (26% compared to 32% of complaints by white people that are found to have occurred).
 - When allegations are substantiated against an officer, they are less likely to receive meaningful discipline if the complainant was Black (9.2%) than if the complainant was white (12.3%)
- Police misconduct cases where arbitrators reduced penalties or overturned firing decisions:
 - Sexual harassment
 - Domestic violence
 - Racial slurs
 - Excessive force
 - False arrest
 - Illegal searches

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In Philadelphia:

Less than 3% of complaints of police misconduct result in any discipline against an officer...



...And when officers are fired for misconduct, they have a 75% chance of being reinstated via arbitration.

Read our amicus brief for police accountability and Act 111 reform:
<https://bit.ly/act-111>

In Philadelphia:

Black residents are less likely to have complaints against police substantiated than White residents...

White Black



32% 26%

White Black



12% 9%

...And police are less likely to face meaningful discipline if the complainant was Black.

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Police Misconduct Cases Where Arbitrators Reduced Penalties Include:

- Sexual harassment**
- Domestic violence**
- Racial slurs**
- Excessive force**
- False arrest**
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