



**CITY OF PHILADELPHIA**  
**OFFICE OF THE MAYOR**  
**EXECUTIVE ORDER 6-21**

**IMPLEMENTATION OF DRIVING EQUALITY POLICY**

WHEREAS, the City of Philadelphia has previously “decriminalized” the use of possession of small amounts of marijuana through Bill No. 140377 and Executive Order No. 06-14 and has done the same with respect to low level disorderly conduct and similar offenses through Bill No. 160517-A and Executive Order No. 08-16; and

WHEREAS, the implementation of such policies have been successful in avoiding criminal charges and detention for a significant number of residents and has freed Police resources for enforcement activities relating to dangerous crimes; and

WHEREAS, Bill No. 210636 is similarly intended to provide the Philadelphia Police Department direction to only conduct vehicle stops in circumstances where the violations at issue create a risk of danger; and

WHEREAS, Bill No. 210635 encourages the Police to continue best practices that have been adopted to document trends in police vehicle and pedestrian stop activities in order to identify potential racial disparities and to improve upon such practices; and

WHEREAS, racial disparities in vehicle stops in Philadelphia and across the country have been well documented; and

WHEREAS, the City of Philadelphia acknowledges the role institutional and structural racism has had and continues to contribute to racial and social disparities in the administration of criminal justice in Philadelphia and across the country; and

WHEREAS, the City of Philadelphia is committed to actively dismantling policies and practices that have advanced racial and social inequity; and

WHEREAS, the policies set forth in Bill Nos. 210635 and 210636 are consistent with the overall efforts of the City of Philadelphia to free police resources for enforcement activities relating to dangerous crimes; to further the just, equitable, and fair enforcement of the law for all people; to prevent racial disparities; to increase transparency; and to administer criminal justice in a manner consistent with these values;

**NOW, THEREFORE**, I, James F. Kenney, Mayor of the City of Philadelphia, pursuant to all authority granted under the Philadelphia Home Rule Charter, hereby **ORDER** as follows:

**Section 1. Vehicle Stops for Violations of the Pennsylvania Vehicle Code**

It is the City's policy that officers of the Philadelphia Police Department (the "Department") shall not initiate motor vehicle stops based on violations that do not create a significant risk of immediate danger, which violations are identified herein as Secondary Violations. Notwithstanding the foregoing, motorists who own or operate vehicles within the city limits shall operate, maintain, title, register, and license vehicles in accordance with the provisions of the Pennsylvania Vehicle Code 75 Pa.C.S.101, *et seq.*

**Section 2. Definitions.**

(1) Primary Violation. A violation of the Pennsylvania Vehicle Code, 75 Pa.C.S. Section 101, *et. seq.*, observed within the city of Philadelphia, that does not constitute a secondary violation.

(2) Secondary Violation. Violations of the following provisions of the Pennsylvania Vehicle Code, and such other violations as are identified by the Police Department by regulation:

(a) Title 75 Pa. C.S. § 1301. Registration of Vehicles, when the vehicle had been previously registered within the Commonwealth within sixty days of the observed infraction.

(b) Title 75 Pa. C.S. § 1310.1 (c). Temporary Registration Permits, where the violation is related to the location of the permit but the permit is otherwise clearly displayed in the rear window.

(c) Title 75 Pa C.S. § 1332 (a). Display of Registration Plate, where the violation pertains to a plate not securely fastened to the vehicle but such plate is otherwise clearly displayed.

(d) Title 75 Pa. C.S. § 4302. Periods For Requiring Lighted Lamps, where the violation for lighting equipment not illuminating is limited to a single brake light, head light, or running light; a single bulb in a larger light of the same; or any other single light or bulb of a vehicle light required by 75 Pa. C.S. § 4302.

(e) Title 75 Pa. C.S. § 4524 (c). Other Obstruction.

(f) Title 75 Pa. C.S. § 4536. Bumpers.

(g) Title 75 Pa. C.S. § 4703. Operation of Vehicle Without Official Certificate of Inspection.

(h) Title 75 Pa. C.S. § 4706 (c)(5). Unlawful Operation Without Evidence of Emission Inspection

### **Section 3. Enforcement of Pennsylvania Vehicle Code Violations**

(1) **Enforcement of Primary Violations.** A police officer may initiate a motor vehicle stop and, at the officer's discretion, cite a driver for a violation of a Primary Violation observed within the City of Philadelphia without observing any other Pennsylvania Vehicle Code violation.

(2) **Enforcement of Secondary Violations.** A police officer may not initiate a motor vehicle stop solely for the purpose of citing one or more Secondary Violations within the City of Philadelphia. A police officer may cite a driver for a Secondary Violation in connection with a motor vehicle stop initiated based on a Primary Violation.

(3) **Authority for Arrests and Dangerous Conduct.** Nothing in this Executive Order shall be interpreted to limit or restrict a law enforcement officer's ability to make any arrest authorized under Pennsylvania law for an offense committed in the officer's presence; or to conduct a vehicle stop to prevent conduct that constitutes a danger to an occupant of the vehicle stopped or a danger to others including, but not limited to, a Primary Violation of the Pennsylvania Vehicle Code.

### **Section 4. Vehicle Stop Records.**

(1) **Recording of Data.**

The Department shall continue to record information relevant to each vehicle stop performed by the Department (information currently contained within the standard Department form designated as the 78-48A) into an electronic database in accordance with the policies and practices that the Department developed in response to the June 21, 2011 Court Approved Settlement Agreement, Class Certification, and Consent Decree entered into as part of the *Bailey v. City of Philadelphia* litigation.

(2) **Expansion of Information.**

The Department shall expand the capability of the electronic database used to record information relevant to vehicle stops to assure the database has the capability to retrieve digitized information for all vehicle stops by

- a. district control number;
- b. police service area where the stop occurred;
- c. police district where the stop occurred;
- d. police district where the officer responding to the stop is assigned;
- e. date, time and location of the stop;
- f. year, make, and model of the vehicle;
- g. driver's race, ethnicity, and gender;

- h. the race, gender, and ethnicity of any passengers;
- i. the Primary Violation;
- j. any and all Secondary Violations;
- k. police action taken, including but not limited to: whether a warning or citation issued, whether any occupant(s) of the vehicle were frisked or searched, whether any occupant(s) of the vehicle were arrested, whether a frisk or search was conducted of the vehicle, whether the vehicle stop resulted in recovery of contraband, delineated by type (i.e. "firearm," "other weapon," "narcotics," or "other contraband"); and
- l. any other relevant information necessary for effectively monitoring vehicle stops.

(3) **Accuracy.** The Department shall develop policies and procedures to reasonably ensure the information entered into the electronic databases required by this Section 4 is complete and accurate.

(4) **Publication.** The Department shall develop policies and procedures to publish, at a minimum, the information for vehicle stops described in subsection (2)(a) through (k) of this Section 4. Although it is unlikely that such information will include personally identifying information, to the extent such information includes information that could be used to identify occupants of a vehicle that has been stopped, whether alone or when viewed in combination with other publicly available information, any such identifying information shall be redacted before publication.

(5) **Collaboration with Citizens Oversight.** The Department shall regularly collaborate with the Citizens Police Oversight Commission to ensure the Department is operating consistently with nationally recognized best practices to mitigate racial bias or disparity in vehicle stops.

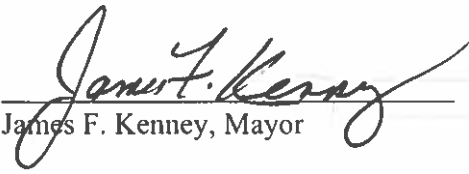
(6) **Reporting to Council.** The Department shall transmit an annual report detailing the Department's enforcement of the Pennsylvania Vehicle Code and identifying best-practice policy changes that the Department implemented over the preceding year to the Mayor, Council President, and the Chair of Public Safety Committee annually on July 1 of each year.

## **Section 5. Implementation.**

In order to implement the policies set forth in this Executive Order, the Police Commissioner shall issue new directives, regulations, policy statements, training practices, or any combination of the preceding items, all as the Police Commissioner deems necessary.

**Section 6.** This Order shall be effective one-hundred and twenty (120) days after signature.

Date: 11-3-21

  
James F. Kenney, Mayor