

EXECUTIVE ORDER NO. 6-11

**ESTABLISHING A PROCEDURE TO TRACK AND AUDIT
INVESTIGATIVE DETENTIONS CONDUCTED BY POLICE OFFICERS**

WHEREAS, investigative detentions of citizens by the Philadelphia Police Department (“PPD”) have long been conducted in support of the PPD’s mission to protect and preserve public safety; and

WHEREAS, these temporary detentions are conducted consistent with constitutional requirements, in situations where, at a minimum, reasonable suspicion of criminal activity exists; and

WHEREAS, the training and supervision of police officers in investigative detentions, frisk and search procedures has included and emphasized the constitutional requirements and standards for such police actions; and

WHEREAS, the citizens of Philadelphia have the right to be free from unreasonable searches and seizures and must have trust in the PPD for it to accomplish its mission to protect and serve the citizens of and visitors to Philadelphia; and

WHEREAS, to establish and/or enhance public trust in the PPD while further protecting the rights of the citizens of and visitors to Philadelphia, appropriate measures should be implemented as a matter of City policy and practice, to ensure that investigative detentions, frisks, and searches by the PPD are conducted consistent with constitutional mandates;

NOW, THEREFORE, I, Michael A. Nutter, Mayor of the City of Philadelphia, by the authority vested in me by the Philadelphia Home Rule Charter, do hereby order as follows:

SECTION 1. Establishment of Database

The Philadelphia Police Department shall develop an electronic database so that all 75-48a forms (reports of pedestrian and vehicular investigative detentions, frisks and searches), may be entered into the system. The database shall have the capability to retrieve information by District Control number, and by other characteristics including district, date, race of the subject, and any other relevant characteristics determined to be necessary to effective monitoring of investigative detention practices. Further, the City shall train PPD officers with respect to the use and purpose of the electronic database system and the officers’ responsibilities to record the relevant information for each investigative detention along with any additional actions taken during these detentions, such as any frisks or searches. This system shall be operational no later than January 1, 2012.

SECTION 2. Establishment of Review and Audit Procedures

The Philadelphia Police Department shall institute a program of periodic supervisory reviews and audits of investigative detention practices. These reviews and audits shall be conducted for the purpose of providing a reasonable assurance that investigative detentions, frisks and searches are conducted pursuant to the requirements of the United States and Pennsylvania Constitutions, that 75-48a forms state proper grounds for such actions; and that there are no impermissible racial or ethnic disparities in investigative detentions, frisks and searches.

SECTION 3. Reporting

The Philadelphia Police Department shall prepare and issue an annual report detailing the results of the review and audit process instituted pursuant to this Executive Order. The report shall be provided to the Mayor, and copies shall be made available to the public through the Philadelphia Police Website.

SECTION 4. Policies and Directives

The Philadelphia Police Department shall issue such new directives, regulations or other policy statements as it deems necessary in order to fully implement this Executive Order.

SECTION 5. Effective date.

This Order shall be effective immediately.

6/21/11
Date


Michael A. Nutter, Mayor