



## **CITY OF PHILADELPHIA**

### **OFFICE OF THE MAYOR**

#### **DECLARATION OF EMERGENCY AND EMERGENCY ORDER RELATED TO IMMINENT DANGER OF CIVIL DISTURBANCE, DISORDER, OR RIOT IN PHILADELPHIA**

**WHEREAS**, protests, looting, property damage and acts of violence have erupted in Philadelphia in response to the recent killing of Walter Wallace, Jr., a Black man who died after being shot by officers from the Philadelphia Police Department responding to a call made to 911 by a member of Mr. Wallace's family; and

**WHEREAS**, Mr. Wallace's death is the latest in a series of the deaths of Black men and women from encounters with police that have spurred protests in Philadelphia and across our nation; and

**WHEREAS**, peaceful demonstrations began in Philadelphia late in the day on October 26, 2020, in West Philadelphia. Thereafter, some persons began to engage in unlawful acts of vandalism, property damage, rioting, looting, and physical altercations with police officers; and

**WHEREAS**, peaceful demonstrations continued on October 27, 2020 in various areas of the City, but again some persons engaged in widespread and significant unlawful acts of looting, vandalism, and fire setting; injuries were caused to approximately 53 police officers; and damage was caused to multiple vehicles; which resulted in approximately 170 arrests; and

**WHEREAS**, in late May and early June of this year, Philadelphia saw large-scale protests and demonstrations related to instances of police shootings or exercise of violence against Black persons including, most prominently, protests in connection with the death of George Floyd, a Black man in Minneapolis who died after one or more white police officers knelt on his neck; and

**WHEREAS**, particularly during the early days of such protests, the City also saw serious instances of violence, vandalism, looting and aggression towards Philadelphia police officers, all of which required the imposition of City-wide curfews for most of a week; and

**WHEREAS**, curfew orders at that time proved to be an effective tool to support the continuation of peaceful demonstrations while curbing violent and unlawful activities such as looting and property damage; and

**WHEREAS**, on October 28, 2020, the Governor of Pennsylvania issued a Proclamation of Disaster Emergency related to the emergency in Philadelphia caused by the recent acts of vandalism, property damage, rioting and/or looting, as well as in certain other counties in the Commonwealth; and

**WHEREAS**, on October 28, 2020, the imposition of a curfew became necessary to protect the City and its residents from severe endangerment and harm to their health, safety and property and, in response, the Mayor issued a Declaration of Emergency and Emergency Order Related to Imminent Danger of Civil Disturbance, Disorder, or Riot in Philadelphia (“October 28 Emergency Declaration”), which was successful in reducing unlawful activity; and

**WHEREAS**, despite the reduction in unlawful activity, additional police officers have been injured and additional City emergency response vehicles have been damaged; and

**WHEREAS**, the City has received reports and intelligence that suggests significant unlawful activity is planned throughout the City on the evening of October 30, 2020; and

**WHEREAS**, the City remains subject to a State and City Declaration of Emergency related to the 2019 novel coronavirus disease, COVID-19; and

**WHEREAS**, the City has operated under a Declaration of Emergency Related to the Known and Potential Presence of the Novel Coronavirus COVID-19 in Philadelphia since March 13, 2020 and residents and businesses in the City are currently subject to various orders issued by the Mayor, the Health Commissioner, the Governor of Pennsylvania and the Pennsylvania Secretary of Health limiting the operation of businesses in the City and the gathering of individuals; and

**WHEREAS**, the imposition of a curfew has become necessary to protect the City and its residents from endangerment to their health, safety and welfare;

**NOW, THEREFORE**, I, James F. Kenney, by the powers vested in me as the Mayor of the City of Philadelphia and pursuant to all authority granted to me under the Philadelphia Home Rule Charter, The Philadelphia Code, and applicable State and City orders, including the powers granted under 35 Pa. C.S. § 7501 and Section 10-819 of The Philadelphia Code, do hereby **DECLARE** and **ORDER** as follows:

1. The recent civil disturbance and disorder described above that has erupted in Philadelphia constitutes a local disaster emergency and state of emergency pursuant to the terms of Pennsylvania and City law.
2. I hereby authorize the Philadelphia Police Department to limit areas of the City, or portions thereof, to vehicular traffic as necessary.
3. I further authorize the Philadelphia Police Department to secure such individual blocks within the City with significant property damage that are unsafe or pose a safety risk, and

to close such blocks to pedestrian and vehicular traffic, other than residents of the block, owners of real property on the block, licensed medical personnel, or law enforcement authorities.

4. I further order a City-wide curfew limiting the hours when persons may go upon or travel the public streets, including all public spaces in Philadelphia such as sidewalks, public parks, and right of ways, as follows (collectively “Curfew Hours”):

a. From October 30, 2020 at 9 p.m. until October 31, 2020 at 6 a.m.

5. I further order all retail businesses of any kind, including but not limited to pharmacies, grocery stores, electronics, clothing, general merchandise, restaurants, and similar establishments, to close in-person retail shopping and services by 8 p.m. on October 30, 2020 and to remain closed until 6 a.m. on October 31, 2020, to allow compliance with this Order. I strongly recommend that such businesses close earlier in order to allow employees and customers to safely make their way home before implementation of the curfew at 9 p.m. this evening.

a. Grocery stores, restaurants, and pharmacies may, in their discretion, choose to operate only for delivery services later than 8:00 PM and should implement appropriate measures to secure their facilities and protect onsite and delivery employees.

6. During these Curfew Hours individuals may only go upon or travel the public streets of Philadelphia, including all public spaces such as parks and right of ways, if necessary to do so for one or more of the following purposes:

- a. To travel to or from work at an indoor location, excluding retail businesses which have been directed to close pursuant to paragraph 5, above.
- b. Performing emergency medical work, wherever required.
- c. To return home or seek lodging from pre-planned and ticketed travel from which an individual arrives in the City of Philadelphia at a time when such travel during Curfew Hours cannot be reasonably avoided.
- d. To seek any form of medical attention for oneself, a family member, household member, or pets.
- e. To seek assistance from law enforcement.
- f. To deposit a ballot in an official drop box.
- g. Leaving one’s home due to a reasonable fear for health or safety.

7. Members of the press performing their official duties are exempt from this Order.

8. Government employees performing services necessary to ensure the continuing operation of government agencies and provide for the health, safety and welfare of the public are also exempt from this Order.

9. This Order in no way restricts licensed medical personnel traveling at any place in Philadelphia for the purposes of travel to, from, or performing medical services for work or on a volunteer basis.

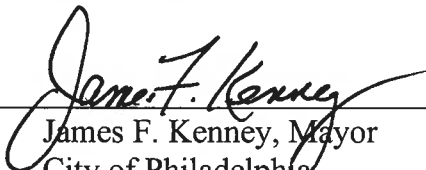
10. The provision of transit or ground passenger transportation, including urban transit systems, taxi and limousine services, interurban and rural bus transportation, other transit and group passenger transportation, and rideshare services; including the provision of such transportation for friends or family members for purposes permitted under paragraphs 6 through 8 of this Order, is also permitted.

11. Individuals experiencing homelessness are exempt from the curfew and are advised to seek shelter where feasible.

12. This Order is effective immediately and supplements, but does not replace, the COVID-19 Emergency Orders. The extent this Order and the COVID-19 Emergency Orders conflict, this Order shall control.

13. This Order shall remain in effect until 6 a.m. on October 31, 2020, unless rescinded, superseded, or amended by further Order. Failure to comply with this Order shall result in orders to disperse, and the imposition of penalties, fines, or criminal charges for failure to obey orders of the police, and such other remedies as provided for by law.

Date: October 30, 2020

By:   
James F. Kenney, Mayor  
City of Philadelphia