



SUBJECT: RACE, ETHNICITY, AND POLICING

I. PURPOSE

- A. This policy is intended to reaffirm the Philadelphia Police Department's commitment to unbiased policing, to clarify the circumstances in which officers can consider race/ethnicity when making law enforcement decisions, and to reinforce procedures that serve to assure the public that we are providing services and enforcing laws in an equitable manner.
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II. DEFINITIONS

- A. **Reasonable Suspicion**: The standard of proof necessary for a police officer to engage in a temporary investigatory detention of an individual. While reasonable suspicion is a lesser standard of proof than probable cause, it must be supported by specific and articulable facts for suspecting a person of criminal activity. Each individual fact or observation alone may be as consistent with lawful conduct as it is with criminal activity. However, the combination of several different facts and observations would lead to a reasonable belief that illegal activity is taking place.
- B. **Investigatory Detention**: A temporary detention of an individual by a police officer. An investigatory detention requires reasonable suspicion of criminal activity and subjects the individual to a limited period of detainment.
- C. **Frisk**: A pat-down of outer clothing for weapons only. A police officer who stops an individual for an investigatory detention, and establishes a reasonable fear for his or her safety, may frisk the individual for weapons only. While no probable cause is required, reasonable fear must be supported by specific and articulable facts.
- D. **Probable Cause**: Facts and circumstances which would support a reasonable belief that a crime has been committed and that the person to be arrested committed the crime. Probable cause involves an examination of all the facts and circumstances known to the officer at the time of an event.
- E. **Search**: A valid custodial arrest authorizes a complete search of the arrested person and the area within his immediate control. Immediate control includes what the arrestee is carrying and where he may logically reach for a weapon or contraband. Searches incident to arrest are conducted to ensure the safety of the officer and the arrestee, as well as to prevent the destruction or discarding of evidence.

III. POLICY

A. Policing Impartially

1. Investigative detentions, traffic stops, arrests, searches, frisks and property seizures by officers shall be based upon a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U. S. Constitution and Article I, Section 8 of the Pennsylvania Constitution. Officers must articulate the specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, frisks, arrests, nonconsensual searches, and property seizures.
2. Except as provided below in Section B, officers shall not consider the race and/or ethnicity of the suspect or person to be stopped in determining whether there is reasonable suspicion or probable cause sufficient to justify the investigation. The same restrictions apply to all consensual encounters and to all requests for consent to search.
3. Except as provided below, race/ethnicity shall not be a factor in any law enforcement investigation or provision of law enforcement services or any law enforcement decisions including stops, frisks, searches, consensual encounters and consent searches.
4. An officer may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). However, race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion.

B. Preventing Perceptions of Biased Policing

1. In an effort to prevent inappropriate perceptions of biased law enforcement, each officer shall do the following steps when conducting pedestrian and vehicle stops:
 - a. Always be courteous and professional
(Remember: Treat all people as you would want your family treated)
 - b. State the reason for the stop as soon as practical, unless providing this information will compromise the officer or public safety.

- c. Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense, and that the citizen understands the purpose of any reasonable delay.
- d. Provide his or her name and badge number when requested.

C. Supervision and Accountability

- 1. All supervisors regardless of rank shall ensure that all personnel in their command are familiar with the content of this policy and are operating in compliance with it.

This Directive replaces Commissioner's Memorandum 03-02 dated 05/29/2003 as well as accompanying computer messages.

BY COMMAND OF THE POLICE COMMISSIONER

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