

**Pennsylvania Chiefs of Police Association  
Pennsylvania Law Enforcement Accreditation Commission**

**Regular Commission Meeting  
October 27, 2022**

**Call to Order**

The Regular Commission meeting of the Pennsylvania Law Enforcement Accreditation Commission was called to order on Thursday, October 27, 2022 at 10:31 a.m. at the Sheraton Harrisburg Hershey Hotel, Harrisburg, PA. Chairman Rudzinski presided.

**Members Present**

Coordinator Adams, Chief Benson, Chief Bergmann, Executive Director Bohn, Chief Cortazzo, Captain Crone, Chief Daly, Coordinator Dombrowsky, Chief Ficco, Chief Grimes, Chief Hendershot, Chief Hettinger, Accreditation Manager Ketchem, Frank Lavery, Chief Leindecker, Corporal Madrak, Chief Molloy, Sergeant Ross, Chief Rudzinski, Chief Scalzo, Chief Steffen, Andrea Sullivan, Chief Swartz and Chief Wagner.

Chief Kitzinger and Chief Moravec were absent.

Also present, from the East Whiteland Township Police Department were Chief of Police Christian Yeager and Lieutenant John Kopacz. From the Schuylkill Township Police Department were Chief of Police John Frye, Lieutenant Bill Fitzsimmons and Sergeant Brian McCarthy. From the Mt. Lebanon Police Department were Chief of Police Jason Haberman and Corporal Jeffrey Kite. From the Villanova University Police Department was Records and Compliance Manager John Skulski. From the Westtown-East Goshen Regional Police Department were Project Coordinator/Accreditation Manager Mary Lee and Executive Assistant/Accreditation Manager Sandy Lutz. From the Pittsburgh City Police Department were Acting Chief of Police Thomas Stangrecki, Commander Christopher Ragland, Sergeant Eric Baker and Associate City Solicitor Michael Kennedy. Consulting for East Whiteland Township and Schuylkill Township was Jennifer Ruggeri.

Chairman Rudzinski welcomed all to the meeting and asked Commission members to introduce themselves. Everyone stood and recited the Pledge of Allegiance.

**Approval of Minutes**

Chief Daly made a motion to accept the minutes of the July 26, 2022 regular Commission meeting. Chief Swartz seconded the motion. All agreed. Chief Hettinger made a motion to accept the minutes of the September 22, 2022 special Commission meeting. Chief Molloy seconded the motion. All agreed.

**Assessment Reports for Consent Agenda**

The following agencies have been put on the Consent Agenda for approval: Villanova University; Westtown-East Goshen Regional; East Brandywine Township and North East Borough.

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A motion was made by Captain Crone to accept the recommendation for the re-accreditation of these agencies. Chief Benson seconded the motion. All agreed. Chief Hendershot abstained.

Chairman Rudzinski congratulated all the agencies on the consent agenda.

***Assessment Reports***

*East Whiteland Township Review* – Chief Hettinger presented the report for the East Whiteland Township Police Department. A motion was made by Chief Daly to accept the accreditation of the East Whiteland Township Police Department; seconded by Sergeant Benson. All agreed.

Chief Yeager said this was a long process for them. They hired Lexipol and he nominated Lieutenant Kopacz as their Accreditation Manager. They are thankful for all of the support they received from local police departments. He said this was his main goal as chief of police. He is proud to be here today and he is proud of his people.

Chairman Rudzinski congratulated them on their accomplishment.

*Schuylkill Township Review* – In the absence of Lieutenant McLaughlin, Chief Ficco presented the report for the Schuylkill Township Police Department. Chief Hettinger made a motion to accept the accreditation of the Schuylkill Township Police Department; seconded by Chief Molloy. All agreed. Chief Ficco and Accreditation Manager Ketchem abstained.

Chief Frye thanked the Commission for this great honor. This was a total team effort and thanked Consultant Jenn Ruggeri and said everybody chipped in. He said he could not be more proud.

Chairman Rudzinski congratulated them on their accomplishment.

*Mt. Lebanon Review* – Accreditation Manager Ketchem presented the report for the Mt. Lebanon Police Department. Chief Cortazzo made a motion to accept the accreditation of the Mt. Lebanon Police Department; seconded by Chief Hendershot. All agreed. Accreditation Manager Ketchem abstained.

Chief Haberman thanked the Commission and said it was a team effort. This became public enemy number one for them. He said they could not have done it without support of neighboring agencies.

Chairman Rudzinski congratulated them on their accomplishment.

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***Committee Reports***

***Assessor Committee*** - Chief Hendershot reported that the Committee is working on a recommendation for assessments of agencies with multiple precincts/substations. The Committee will present its recommendation at the next meeting. A motion was made by Chief Swartz to accept the Assessor Committee report; seconded by Corporal Madrak. All agreed.

***Standards Committee*** - Captain Crone reported that the review of the standards is almost done. There is one request for one new standard. A motion was made by Chief Daly to accept the Standards Committee report; seconded by Chief Cortazzo. All agreed.

***Administrative Committee*** – Chief Benson reported on the mergers of law enforcement agencies. (Attachment 1). Recommendations and opinions of the Commission will be brought back to the Commission at the next meeting.

A motion was made by Captain Crone to accept the Administrative Committee report; seconded by Corporal Madrak. All agreed.

***Strategic Planning Committee*** – In the retirement of Chief Moravec, Chief Wagner reported there is nothing to report.

***Coordinator's Report***

Coordinator Adams referred to a letter from the Dallas Township Police Department thanking him for presenting their accreditation and Premier Status plaques to them. Chief Hettinger made a motion to accept the Coordinator's Report. Chief Daly seconded the motion. All agreed.

***Old Business***

Chief Cortazzo suggested adding a fourth meeting during the year or have a virtual meeting a week before the regular meeting to discuss or standardize the meetings throughout the year. Chairman Rudzinski will send out a Doodle Poll regarding all input.

***New Business***

Coordinator Adams reported that the City of Philadelphia Police Department submitted a waiver request for standard 1.1.1. (Attachment 2) A motion was made by Chief Benson to grant the waiver to the City of Philadelphia Police Department; seconded by Corporal Madrak.

A vote was taken of Commission members in attendance in regard to the motion with the following results: Nays - Four (4) votes as follows: Chief Daly; Chief Molloy; Chief

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Scalzo and Chief Wagner. Yeas - Sixteen (16) votes as follows: Chief Benson; Chief Bergmann; Chief Cortazzo; Captain Crone; Coordinator Dombrowsky; Chief Ficco; Chief Grimes; Chief Hendershot; Chief Hettinger; Accreditation Manager Ketchem; Frank Lavery; Chief Leindecker; Corporal Madrak; Chief Rudzinski; Chief Steffen and Chief Swartz. Sergeant Ross abstained. The motion carried.

Coordinator Adams reported that the City of Pittsburgh, Bureau of Police submitted a waiver request for standard 1.1.1. (Attachment 3) A motion was made by Accreditation Manager Ketchem to grant the waiver to the City of Pittsburgh, Bureau of Police; seconded by Chief Grimes.

A vote was taken of Commission members in attendance in regard to the motion with the following results: Nays - Four (4) votes as follows: Chief Daly; Chief Molloy; Chief Scalzo and Chief Wagner. Yeas - Sixteen (16) votes as follows: Chief Benson; Chief Bergmann; Chief Cortazzo; Captain Crone; Chief Ficco; Chief Grimes; Chief Hendershot; Chief Hettinger; Accreditation Manager Ketchem; Frank Lavery; Chief Leindecker; Corporal Madrak; Sergeant Ross; Chief Rudzinski; Chief Steffen and Chief Swartz. The motion carried.

At 12:05 pm the meeting recessed for lunch.

At 12:38 pm the meeting reconvened.

The Western Chiefs of Police Association re-appointed Anthony E. Cortazzo, Chief of Police, Baldwin Borough Police to the Commission.

The Southeastern Chiefs of Police Association re-appointed Joseph J. Daly, Chief of Police, Springfield Township Police to the Commission.

The Northeast Chiefs of Police Association re-appointed Donald A. Bergmann, Chief of Police, The University of Scranton Police to the Commission.

The Central Chiefs of Police Association re-appointed George J. Swartz, Chief of Police, Spring Garden Township Police to the Commission.

The President of the Pennsylvania Chiefs of Police Association, Chief David Splain, re-appointed Accreditation Manager Terry D. Ketchem, Jr. (PA State Police Representative), Corporal David E. Madrak (PPAC Representative) and Sergeant John Ross (Accreditation Manager) to the Commission.

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A motion was made by Chief Ficco to accept the nominations; seconded by Chief Hendershot. All agreed. Chief Cortazzo, Chief Daly, Chief Bergmann, Chief Swartz, Accreditation Manager Ketchem, Corporal Madrak and Sergeant Ross abstained.

**For the Good of the Order**

Chief Hendershot reported that State universities may be MPOETC certified when Bill 1988 is passed.

Coordinator Adams reported on officers who are Act 57 certified and how this skews our numbers of officers who can be accredited. He is working on getting more accurate numbers.

**Date of Next Meeting**

To be determined.

**Adjournment**

At 1:02 p.m., a motion was made by Chief Grimes to adjourn; seconded by Chief Benson. All agreed.

Respectfully submitted,

*Andrea N. Sullivan*

Andrea N. Sullivan, Administrative Assistant  
Pennsylvania Chiefs of Police Association

Attachments

## Mergers of Law Enforcement Agencies

There may be times when PLEAC Accredited law enforcement agencies are merged to operate under one Chief Executive Officer and one set of policies and procedures.

These mergers may involve a mix of accredited and non-accredited agencies.

There are three options available:

1. The accredited agency(s) maintain all compliance until the date of the merger at which time they submit a letter to the PLEAC Coordinator voluntarily withdrawing. Upon the merger taking effect, the newly created agency shall enroll as a new agency, take a minimum of 12 months to gather proofs of compliance and request an initial assessment as a new agency.
2. Mergers of law enforcement agencies which desire to maintain their accredited status and believe the merged agency is in full compliance with all PLEAC standards when the merger takes effect will be reviewed by the Administrative Committee which will make a recommendation to the full Commission to vote on the PLEAC status of the new merged agency.

The following procedures will be adhered to when a merger is proposed or in the planning stages of an accredited agency with a non-accredited agency or agencies.

- a. A letter of intent must be submitted at least six-months prior to the proposed effective date of the merger to the PLEAC Coordinator fully describing the circumstances of the merger, how the new agency will adhere to all PLEAC standards and why they believe the new agency will be in compliance when the merger takes effect.
- b. The Administrative Committee will determine, predicated on the accredited agency(s) current three-year accreditation cycle as to the need for either a full assessment or a modified assessment to be scheduled within 6 months of the merger.
- c. Representatives of the agencies involved in the merger must attend the PLEAC meeting when the Administrative Committee presents their recommendation.
- d. After the merger occurs, either two assessors will be assigned to conduct a modified assessment or three assessors will be assigned to conduct a full assessment as determined by the Administrative Committee to ensure critical standards, as determined by the Standards Committee, are being followed

and all applicable facilities meet PLEAC standards. This will be an on-site assessment.

- e. Unless this assessment fulfills the normal 3-year re-assessment cycle of the accredited agency, the cost of the assessment will be invoiced to the newly merged agency.
  - f. An assessment report will be submitted and placed on the next PLEAC meeting agenda for review and determination.
  - g. There will be no extensions to the 6-month window for a PLEAC assessment. When a PLEAC assessment, either a full or modified, is not held within 6 months of the merger, accreditation status will automatically be revoked and the agency will need to enroll under the newly merged agency as a new agency.
3. Mergers of law enforcement agencies which desire to maintain their accredited status and need additional time to bring the new agency into full compliance can request the accredited agency(s) be placed on transitional accreditation status for up to 12 months, beginning on the date of the merger taking place.

The following procedures will be adhered to.

- a. A letter must be submitted at least six months prior to the proposed effective date of the merger to the PLEAC Coordinator requesting transitional accreditation status for 12 months, beginning on the date the merger goes into effect. This letter must include an outline of the intended merger including a list of involved agencies and the effective date of the merger.
- b. The involved accredited agency(s) must maintain PLEAC compliance with all standards and requirements until the date of the merger.
- c. The annual PLEAC maintenance fee will continue to be invoiced to either the accredited agency or the newly merged agency, whichever is in place on January 1.
- d. A mock assessment will be required prior to the PLEAC assessment.
- e. A full 2-day initial on-site assessment will be scheduled within a 2-week window of the first anniversary of the merger. The PLEAC assessors will review proofs collected within the preceding 12-months under the newly formed agency.
- f. The 2-day initial on-site assessment referenced in (e) above will set (re-set) the anniversary date for the PLEAC 3-year assessment cycle.

- g. An assessment report will be submitted and placed on the next PLEAC meeting agenda for review and determination.
- h. There will be no extensions to the 12-month transitional status. When a PLEAC assessment is not held within 12 months of the merger, accreditation status will automatically be revoked, and the agency will need to enroll under the newly merged agency as a new agency.

Definition to be added to Glossary:

**Transitional Accreditation Status:** A 12-month period when a PLEAC Accredited agency in good standing is merged with another agency and desires to maintain their accredited status and needs additional time to bring the new agency into full compliance.





## CITY OF PHILADELPHIA

### PHILADELPHIA POLICE DEPARTMENT

DANIELLE M. OUTLAW  
POLICE COMMISSIONER

400 NORTH BROAD STREET  
PHILADELPHIA, PA 19130

July 26, 2022

#### *VIA HAND DELIVERY*

James Adams  
Accreditation Program Coordinator  
Pennsylvania Law Enforcement Accreditation Commission  
Of the Pennsylvania Chiefs of Police Association  
3905 North Front Street  
Harrisburg, PA 17110

RE: Philadelphia Police Department  
Request from Standard Compliance  
Administrative Manual Chapter 4 (page 9)

Sir:

I write to you regarding the City of Philadelphia's Police Department ("PPD") accreditation with the Pennsylvania Chiefs of Police Association. As discussed in this letter, the PPD believes it is fully compliant with the PLEAC's standards. In the unlikely event that the PLEAC determines otherwise, through this letter, the PPD requests a waiver of Standard 1.1.1 in accordance with PLEAC Administrative Manual, Chapter 4, subsection (7). Maintaining accreditation is a highest priority of the PPD and the communities we serve.

#### PPD's Compliance with PLEAC Standard 1.1.1

Since 2011, the PPD has been operating under the *Bailey* federal court settlement agreement regarding our vehicle and pedestrian stops. As you are likely aware, the *Bailey* Plaintiffs assert that the PPD's vehicle and pedestrian stops have resulted in racial disparities that are unconstitutional. For many years the City's and plaintiff's respective statistical experts have reported on whether there was racial disparity in PPD's self-initiated quality of life stops. While the PPD's expert often disagreed with Plaintiff's expert, that all changed in 2020 as this was the first year that the City's own statistical experts found there were varying degrees of racial disparity in these type of stops.

The Driving Equality Bill and the Mayor's Executive Order 6-21<sup>1</sup> use Pennsylvania Seatbelt law (75 Pa.C.S. §4581) as a model. The Mayor's Executive Order 6-21, not the Driving Equality Bill, has enacted the enforcement. As we all know, the Pennsylvania Seatbelt law has a tiered approach where the seatbelt violation is considered a secondary violation. Officers in Pennsylvania must see another violation occurring to make a stop. There have been no legal challenges or objections as to whether this law prohibited police from enforcement. Enforcement still occurs, but in a modified manner. To assert that the Philadelphia's Driving Equality Bill and the Mayor's subsequent Executive Order 6-21 prohibit enforcement because certain offense are classified as secondary, one must also believe that the secondary classification in the Pennsylvania Seatbelt law also prohibits enforcement. This is clearly not the case. By employing this same rationale, the Mayor's Executive Order 6-21 and Driving Equality Bill does not prohibit enforcement of the traffic laws nor diminish our ability to protect public safety. Accordingly, the PPD remains fully compliant with Standard 1.1.1.

#### Request for Waiver

If the Commission, despite our intentions, efforts, and belief, determines that the PPD is not in compliance with Standard 1.1.1 due to the Driving Equality Bill and Mayor's Executive Order 6-21, I am respectfully requesting a *Waiver from Standard Compliance*, as authorized in the PLEAC Administrative Manual, Chapter 4, subsection (7).

Chapter 4, subsection (7) *Waiver from Standard Compliance* specifically states:

*There are rare occasions when an agency may qualify for and receive a waiver. Waivers are available to agencies when it is impossible to comply with a specific standard. Examples include conflict with a collective bargaining agreements or local ordinance.*

*A request to waive a standard compliance must be made and approved via letter to the Pennsylvania Law Enforcement Accreditation Commission through the staff. This letter should clearly detail the situation that eliminates any possibility of complying with the standard along with any supporting documentation. Please allow a minimum of 90 days for approval.*

The Mayor of the City of Philadelphia is authorized to issue Executive Orders dictating how operational units within the City shall function or otherwise operate. The Philadelphia Police Department has no authority or standing to contest an Executive Order.

Therefore, to the extent that this body determines that the PPD is not complying with Standard 1.1.1, the PPD is not doing that through any fault of its own but rather as a result of the Mayor's Executive Order 6-21. As such, the Philadelphia Police Department believes it meets the

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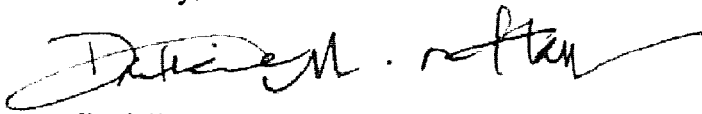
<sup>1</sup> PLEAC mistakenly credits the Driving Equality Bill for the modified enforcement of the identified 8 PA Vehicle Offenses. It is the Mayor's Executive Order 6-21 that enacts this enforcement. Thus, I will mention the Driving Equality Bill because PLEAC has cited it, not because it is the appropriate legal authority that has modified the enforcement of the 8 PA Vehicle Offenses.

requirement to receive a *Waiver from Standard Compliance* according to the PLEAC Administrative Manual.

Enclosed with this letter, I have provided a copy of the Driving Equality ordinance and Mayor's Executive Order 6-21. If you should need anything further, please do not hesitate to reach out to me. As I mentioned above, accreditation is incredibly important to the the Police Department, the officers themselves that worked so hard to maintain accreditation, as well as the communities we serve.

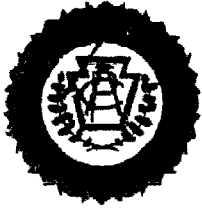
Thank you for your time and consideration in this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle M. Outlaw", with a long, sweeping horizontal line extending to the right.

Danielle M. Outlaw  
Police Commissioner

DO:fh



**Pennsylvania**  
**Law Enforcement Accreditation Commission**  
*of the Pennsylvania Chiefs of Police Association*  
3905 North Front Street, Harrisburg, PA 17110  
Phone (717) 236-1059 Fax (717) 236-0226  
[www.pachiefs.org](http://www.pachiefs.org)



April 28, 2022

Commissioner Danielle Outlaw  
Philadelphia Police Department  
400 N. Broad Street  
Philadelphia PA 19130

RE: Accreditation Non-Compliance

Dear Commissioner Outlaw,

As you are aware, based on our virtual meeting on March 29<sup>th</sup> that it has come to the attention of the Pennsylvania Law Enforcement Accreditation Commission (PLEAC) that with the enactment of your City Code § 12-1700, Driving Equality Policy, Executive Order 6-21 your Police Department is no longer in full compliance with the Accreditation Program and Standards.

Standard 1.1.1 requires Philadelphia to have:

*A written directive requiring all law enforcement personnel, prior to performing their sworn duties, to take and subsequently abide with an Oath of Office to support, obey and defend the constitution of the United States and the Pennsylvania Constitution and the laws of Pennsylvania and the governmental subdivision and that he/she will discharge the duties of the office with fidelity.*

*Newly hired law enforcement officers, in a manner prescribed by the agency, shall also acknowledge that they will uphold, obey and enforce the law without consideration to a person's race, color, sex, religious creed, sexual orientation, age national origin, ancestry, handicap or disability.*

It is PLEAC's position that by virtue of the above referenced Executive Order, members of the Philadelphia Police Department are prohibited from enforcing eight sections of the PA Vehicle Code if/when they see a violation of one or more of these enumerated sections only.

Unless this issue can be resolved prior to the next PLEAC meeting scheduled for July 26<sup>th</sup>, revocation of your Police Department accreditation will be an agenda item for the full Commission to act on. You are welcome and encouraged to attend this 10:00 AM meeting to be held at the Kalahari Resort during the PCPA Annual conference.

Please feel free to share this letter to whom you wish, and you or they may contact me to discuss in further detail.

Respectfully,

James Adams  
Accreditation Program Coordinator

Cc: Sergeant John Ross, Accreditation Manager  
Philadelphia Police Department

§ 4581. Restraint systems, PA ST 75 Pa.C.S.A. § 4581

KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

Purdon's Pennsylvania Statutes and Consolidated Statutes  
Title 75 Pa.C.S.A. Vehicles (Refs & Annos)  
Part IV. Vehicle Characteristics  
Chapter 45. Other Required Equipment (Refs & Annos)  
Subchapter E. Occupant Protection

75 Pa.C.S.A. § 4581

§ 4581. Restraint systems

Effective: August 12, 2016  
Currentness

**(a) Occupant protection.--**

(1)(i) Except as provided under subparagraph (ii), any person who is operating a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home and who transports a child under four years of age anywhere in the motor vehicle, including the cargo area, shall fasten such child securely in a child passenger restraint system, as provided in subsection (d).

(ii) Any person who is operating a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home and who transports a child under two years of age anywhere in the motor vehicle shall fasten such child securely in a rear-facing child passenger restraint system, to be used until the child outgrows the maximum weight and height limits designated by the manufacturer, as provided in subsection (d).

(iii) This paragraph shall apply to all persons while they are operators of motor vehicles where a seating position is available which is equipped with a seat safety belt or other means to secure the systems or where the seating position was originally equipped with seat safety belts.

(1.1) Any person who is operating a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home and who transports a child four years of age or older but under eight years of age anywhere in the motor vehicle, including the cargo area, shall fasten such child securely in a fastened safety seat belt system and in an appropriately fitting child booster seat, as provided in subsection (d). This paragraph shall apply to all persons while they are operators of motor vehicles where a seating position is available which is equipped with a seat safety belt or other means to secure the systems or where the seating position was originally equipped with seat safety belts.

(2)(i) The driver of a passenger car, Class I truck, Class II truck or motor home operated in this Commonwealth shall:

(A) if under 18 years of age, be secured in a properly adjusted and fastened safety seat belt system; and

(B) secure or cause to be secured in a properly adjusted and fastened safety seat belt every vehicle occupant eight years of age or older but under 18 years of age.

(ii) Except for children under 18 years of age and except as provided in paragraphs (1) and (1.1) and subparagraph (i), each driver and front seat occupant of a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home operated in this Commonwealth shall wear a properly adjusted and fastened safety seat belt system.

(iii) This paragraph shall not apply to:

(A) A driver or front seat occupant of any vehicle manufactured before July 1, 1966.

(B) A driver or front seat occupant who possesses a written verification from a physician that he is unable to wear a safety seat belt system for physical or medical reasons, or from a psychiatrist or other specialist qualified to make an informed judgment that he is unable to wear a safety seat belt system for psychological reasons.

(C) A rural letter carrier while operating any motor vehicle during the performance of his duties as a United States postal service rural letter carrier only between the first and last delivery points.

(D) A driver who makes frequent stops and is traveling less than 15 miles per hour for the purpose of delivering goods or services while in the performance of his duties and only between the first and last delivery points.

(iv) A violation of this paragraph shall not be subject to the assessment of any points under section 1535 (relating to schedule of convictions and points).

(3) Notwithstanding the provisions of section 1503(c)(2.1) (relating to persons ineligible for licensing; license issuance to minors; junior driver's license), a driver who is under 18 years of age may not operate a motor vehicle in which the number of passengers exceeds the number of available safety seat belts in the vehicle.

**(b) Offense.**—Anyone who fails to comply with the provisions of subsection (a)(1) or (1.1) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$75. The court imposing and collecting any such fines shall transfer the fines thus collected to the State Treasurer for deposit in the Child Passenger Restraint Fund, pursuant to section 4582 (relating to Child Passenger Restraint Fund). Anyone who violates subsection (a)(2) or (3) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$10. No person shall be convicted of a violation of subsection (a)(2)(ii) unless the person is also convicted of another violation of this title which occurred at the same time. No costs as described in 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for summary conviction of subsection (a)(2) or (3). Conviction under this subsection shall not constitute a moving violation.

**(c) Waiver of fine.**—If a person receives a citation issued by the proper authority for violation of subsection (a)(1) or (1.1), a magisterial district judge, magistrate or judge shall dismiss the charges if the person prior to or at the person's hearing displays evidence of acquisition of a child passenger restraint system or child booster seat to such magisterial district judge, magistrate or judge. Sufficient evidence shall include a receipt mailed to the appropriate court officer which evidences purchase, rental,

**§ 4581. Restraint systems, PA ST 75 Pa.C.S.A. § 4581**

transferal from another child seat owner (evidenced by notarized letter) or bailment from a bona fide loaner program of a child passenger restraint system or child booster seat.

**(d) Standards.—**

(1) A child passenger restraint system shall be used as designated by the manufacturer of the system in motor vehicles equipped with seat safety belts and shall meet the Federal Motor Vehicle Safety Standard (49 C.F.R. § 571.213).

(2) A child booster seat shall be used as designated by the manufacturer of the system in motor vehicles equipped with seat safety belts and shall meet the Federal Motor Vehicle Safety Standard (49 CFR § 571.213) that is designed to elevate a child to properly sit in a federally approved safety seat belt system.

**(e) Civil actions.**—In no event shall a violation or alleged violation of this subchapter be used as evidence in a trial of any civil action; nor shall any jury in a civil action be instructed that any conduct did constitute or could be interpreted by them to constitute a violation of this subchapter; nor shall failure to use a child passenger restraint system, child booster seat or safety seat belt system be considered as contributory negligence nor shall failure to use such a system be admissible as evidence in the trial of any civil action; nor shall this subchapter impose any legal obligation upon or impute any civil liability whatsoever to an owner, employer, manufacturer, dealer or person engaged in the business of renting or leasing vehicles to the public to equip a vehicle with a child passenger restraint system or child booster seat or to have such child passenger restraint system or child booster seat available whenever their vehicle may be used to transport a child.

**(f) Criminal proceedings.**—The requirements of this subchapter or evidence of a violation of this subchapter are not admissible as evidence in a criminal proceeding except in a proceeding for a violation of this subchapter. No criminal proceeding for the crime of homicide by vehicle shall be brought on the basis of noncompliance with this subchapter.

**(g) Exemptions.**—Exemptions will be allowed if it is determined, according to the rules and regulations of the department, that the use of a child passenger restraint system or child booster seat would be impractical for physical reasons including, but not limited to, medical reasons or size of the child.

**(h) Insurance.**—An insurer may not charge an insured who has been convicted of a violation of this section a higher premium for a policy of insurance in whole or in part by reason of that conviction.

**Credits**

1983, Nov. 1, P.L. 195, No. 53, § 1. Amended 1987, Nov. 23, P.L. 399, No. 82, § 5, ind. effective; 1993, June 22, P.L. 101, No. 22, § 1, effective in 60 days; 1999, June 25, P.L. 164, No. 23, § 8; 2002, Dec. 23, P.L. 1982, No. 229, § 17, effective in 60 days; 2004, Nov. 30, P.L. 1618, No. 207, § 24, effective in 60 days [Jan. 31, 2005]; 2011, Oct. 25, P.L. 334, No. 81, § 3, effective in 60 days [Dec. 27, 2011]; 2016, June 13, P.L. 336, No. 43, § 2, effective in 60 days [Aug. 12, 2016].

**Notes of Decisions (43)**

75 Pa.C.S.A. § 4581, PA ST 75 Pa.C.S.A. § 4581

Current through 2022 Regular Session Act 40. Some statute sections may be more current, see credits for details.

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## CHAPTER 12-1700. ACHIEVING DRIVING EQUALITY 185.1

### Notes

185.1 Added, Bill No. 210636-A (approved October 27, 2021), effective February 24, 2022.

### § 12-1701. Legislative Intent.

(1) It is the purpose of this legislation to further the just, equitable, and fair enforcement of the law for all people, to provide for the fair and transparent administration of the code with respect to all, to prevent racial disparities, and to protect public safety in a manner consistent with these values.

### § 12-1702. Definitions.

In this Chapter the following definitions apply:

(1) *Primary Violation*. A violation of the Pennsylvania Vehicle Code, 75 Pa. C.S. §§ 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.

### § 12-1703. Compliance and Enforcement of the Pennsylvania Vehicle Code.

(1) *Compliance with the Pennsylvania Vehicle Code*. So long as such conduct is prohibited by the Pennsylvania Vehicle Code, 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 Vehicle Code.

(2) *Enforcement of Primary Violations*. A police officer or law enforcement officer may initiate a motor vehicle stop and, at their 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.

(3) *Enforcement of Secondary Violations*. To the full extent of Council's legislative authority, a police officer or other law enforcement officer may initiate a motor vehicle stop for a secondary violation observed within the

City of Philadelphia only where there is a simultaneously-observed primary violation for which an officer, at their discretion, could issue a citation.

**§ 12-1704. Construction.**

(1) This Chapter shall not be construed to supersede any state or federal law.

**§ 12-1705. Severability.**

(1) If any one or more Section, subsection, sentence, clause, phrase, word, provision or application of this Ordinance shall for any person or circumstance be held to be illegal, invalid, unenforceable, or unconstitutional, such decision shall not affect the validity of any other Section, subsection, sentence, clause, phrase, word, provision or application of this Ordinance which is operable without the offending Section, subsection, sentence, clause, phrase, word, provision or application shall remain effective notwithstanding such illegal, invalid, unenforceable, or unconstitutional Section, subsection, sentence, clause, phrase, word, provision or application, and every Section, subsection, sentence, clause, phrase, word, provision or application of this Ordinance are declared severable.



**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.

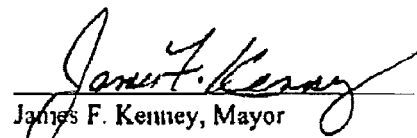
(6) **Reporting to Council.** The Department shall transmit an annual report detailing the Department's enforcement of the Pennsylvania Vehicle Code and identifying best-practice policy changes that the Department implemented over the preceding year to the Mayor, Council President, and the Chair of Public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

# **Administrative Manual**

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## **STANDARDS**

with an (O) after the standard in the standards section of the manual to identify it as an observation only file.

### **Standards Not Applicable to Agency**

If your agency does not offer a service or function as required in a standard, then this standard does not apply to you and may be marked NA. For example, if your agency does not have cells, then your agency would simply complete the Standard Compliance Form(s) (SCF) as NA. A folder should be created and placed in front of each of the four chapters for the NA files. If an agency were claiming two NA standards in Chapter 1, they would be placed in the folder at the front of Chapter 1. If the agency were claiming four NA standards in Chapter 2, they would be placed in the folder at the front of Chapter 2 and so on for Chapter 3 and Chapter 4.

### **Waiver from Standard Compliance**

There are rare occasions when an agency may qualify for and receive a waiver. Waivers are available to agencies when it is impossible to comply with a specific standard. Examples include conflict with collective bargaining agreements or local ordinance.

A request to waive standard compliance must be made and approved via letter to the Pennsylvania Law Enforcement Accreditation Commission through the staff. This letter should clearly detail the situation that eliminates any possibility of complying with the standard, along with supporting documentation. Please allow a minimum of 90 days for approval.

### **Sample Assessment**

A sample assessment is available for viewing through PowerDMS. You DO NOT have to be a PowerDMS subscriber to view the Sample Assessment. You may view the sample assessment by going to [www.powerdms.com](http://www.powerdms.com) and logging in. For information on how to log in, contact program staff.

The Sample Assessment contains the PLEAC standards, sample policies from accredited agencies, along with some proofs, as well as notes. If your agency will be maintaining files electronically, you may contact a PowerDMS representative directly.



**City of Pittsburgh  
Bureau of Police  
Chief of Police**

*"...honor, integrity, courage, respect, compassion."*

Edward Gainey  
Mayor of Pittsburgh

Thomas Stangrecki  
Acting Chief of Police

October 20, 2022

James Adams  
Accreditation Program Coordinator  
Pennsylvania Chiefs of Police Association  
3905 N. Front St.  
Harrisburg, PA 17110

RE: PLEAC Accreditation Non-Compliance

Dear Mr. Adams and the Pennsylvania Law Enforcement Accreditation Commission,

In April of 2022 the City Council of Pittsburgh enacted the attached Ordinance 503.17, "The Equitable and Fair Enforcement of Motor Vehicle Laws." A copy is posted in the Municipal Code of Ordinances at Code of Ordinances | Pittsburgh, PA | Municode Library.

After a review of the ordinance by the Pennsylvania Law Enforcement Accreditation Commission, the Commission notified the City of Pittsburgh that it was in non-compliance with PLEAC standard 1.1.1. "Law Enforcement and Authority." The Commission deemed that the new ordinance may be in direct conflict with the PLEAC standard and could affect the accreditation status for the Pittsburgh Bureau of Police.

On behalf of the Pittsburgh Bureau of Police, please accept this letter as a waiver request, in regards to the non-compliance to PLEAC standard 1.1.1. "Law Enforcement and Authority." The standard requires "A written directive requiring all law enforcement personnel, prior to performing their sworn duties, to take and subsequently abide with an Oath of Office to support, obey, and defend the Constitution of the United States and the Pennsylvania Constitution and the laws of Pennsylvania and the governmental subdivision and that he/she will discharge the duties of the office with fidelity. Newly hired law enforcement officers, in a manner prescribed by the agency, shall also acknowledge that they will uphold, obey, and enforce the law without consideration to a person's race, color, sex, religious creed, sexual orientation, age, national origin, ancestry, handicap or disability."

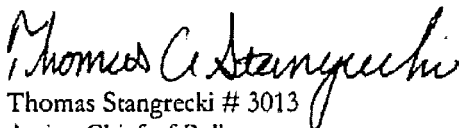
Pittsburgh Bureau of Police Headquarters, 1203 Western Avenue, Pittsburgh, PA 15233  
Phone: 412-323-7814

Under Ordinance 503.17, City of Pittsburgh Police Officers will continue to uphold and enforce the traffic laws within Title 75. The ordinance states "A police officer may initiate a motor vehicle stop and, at their discretion, cite a driver for a violation of a primary violation observed within the City of Pittsburgh without observing any other Pennsylvania Vehicle Code violation." However, within the City of Pittsburgh, when the following (8) eight enumerated violations are observed (secondary violations), "there must be a simultaneously observed primary violation for which an officer, at their discretion, could issue a citation."

- (i) Title 75 Pa. C.S. § 1301. Registration of Vehicles, when the vehicle had been previously registered within the Commonwealth within sixty (60) days of the observed infraction.
- (ii) 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.
- (iii) 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.
- (iv) 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.
- (v) Title 75 Pa. C.S. § 4524 (c). Other Obstruction.
- (vi) Title 75 Pa. C.S. § 4536. Bumpers
- (vii) Title 75 Pa. C.S. § 4703. Operation of Vehicle Without Official Certificate of Inspection, where the inspection certificate was valid within sixty (60) days of the observed infraction.
- (viii) Title 75 Pa. C.S. § 4706 (c)(5). Unlawful Operation Without Evidence of Emission Inspection, where the inspection certificate was valid within sixty (60) days of the observed infraction.

Municipal Ordinance 503.1, "The Equitable and Fair Enforcement of Motor Vehicle Laws" was enacted legislation to further the just, equitable, and fair enforcement of the law for all people, to provide the fair and transparent administration of the code with respect to all, to prevent racial disparities, and to protect public safety in a manner consistent with these values.

The Pittsburgh Bureau of Police did advise local government that enacting Ordinance 503.17, placed the PBP in a potential non-compliance position with respect to PLEAC accreditation standards. It is for this reason the Pittsburgh Bureau of Police seeks a waiver request in regards to non-compliance to PLEAC standard 1.1.1 on this issue.



Thomas Stangrecki # 3013  
Acting Chief of Police  
Pittsburgh Bureau of Police

cc: Director Lee Schmidt, Department of Public Safety  
Solicitor Krysia Kubiak, Department of Law  
Acting Deputy Chief Linda Barone, Bureau of Police  
Commander Christopher Ragland, Zone 3  
Acting Commander Patrick Fosnaught, OSAR



# City of Pittsburgh

510 City-County Building  
414 Grant Street  
Pittsburgh, PA 15219

## Legislation Details (With Text)

**File #:** 2021-2174 **Version:** 2

**Type:** Ordinance **Status:** Passed Finally

**File created:** 11/8/2021 **In control:** Committee on Public Safety Services

**On agenda:** 12/28/2021 **Final action:** 12/28/2021

**Enactment date:** 12/28/2021 **Enactment #:** 69

**Effective date:** 12/30/2021

**Title:** Ordinance amending and supplementing the Pittsburgh Code of Ordinances, Title Five: Traffic, Article One: Administration, Chapter 503: Enforcement and Control, by adding a new section, Section 503.17: "Equitable and Fair Enforcement of Motor Vehicle Laws."

**Sponsors:** Reverend Ricky V. Burgess, Bruce A. Kraus, Bobby Wilson, R. Daniel Lavelle, Erika Strassburger

**Indexes:** PGH. CODE ORDINANCES TITLE 05 - TRAFFIC

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/30/2021	2	Mayor	Signed by the Mayor	
12/28/2021	2	City Council	Passed Finally	Pass
12/20/2021	2	Standing Committee	Affirmatively Recommended	Pass
12/20/2021	2	Standing Committee	Affirmatively Recommended	
12/20/2021	2	City Council	RECOMMITTED	Pass
12/15/2021	2	Standing Committee	Affirmatively Recommended as Amended	Pass
12/15/2021	2	Standing Committee	AMENDED	Pass
12/8/2021	1	Standing Committee	Held in Committee	Pass
11/22/2021	1	Standing Committee	Held in Committee	Pass
11/17/2021	1	Standing Committee	Held in Committee	Pass
11/8/2021	1	City Council	Read and referred	

Ordinance amending and supplementing the Pittsburgh Code of Ordinances, Title Five: Traffic, Article One: Administration, Chapter 503: Enforcement and Control, by adding a new section, Section 503.17: "Equitable and Fair Enforcement of Motor Vehicle Laws."

**Whereas**, in a recent series published by the *New York Times*, "Why So Many Police Traffic Stops Turn Deadly", the authors state: "Traffic stops are by far the most common police encounters with civilians..."; **and**,

**Whereas**, this series went further to state: "'All you've heard are horror stories about what could happen,' said Sarah Mooney, assistant police chief in West Palm Beach. 'It is very difficult to try to train that out of somebody.' The overemphasis on danger has fostered tolerance for police misconduct at vehicle stops, some argue..."; **and**,

**Whereas**, a group of researchers posited, in a report published in *Nature: Human Behavior*, that "Our results

indicate that police stops and search decisions suffer from persistent racial bias and point to the value of policy interventions to mitigate these disparities." Pierson, E., Simoiu, C., Overgoor, J. et al. A large-scale analysis of racial disparities in police stops across the United States. *Nat Hum Behav* 4, 736-745 (2020).; and,

**Whereas**, this same report found that, "Applied to our data, the threshold test indicates that black and Hispanic drivers were searched on the basis of less evidence than white drivers, both on the subset of searches carried out by state patrol agencies and on those carried out by municipal Bureau of Polices."; and,

**Whereas**, many of these traffic stops are conducted on the basis of "secondary" violations of the Motor Vehicle Code, such as temporary registration permits being affixed to the wrong side of the rear window, a single burnt-out headlamp or taillamp bulbs, etc.; and,

**Whereas**, other municipalities, noting these and other disparities in traffic and motor vehicle enforcement, have begun changing their enforcement policies to ensure that policing resources are used to protect public safety and not to penalize people for being poor, who, in all too many cases, are people of color; and,

**Whereas**, the Pennsylvania Motor Vehicle Code, ("Motor Vehicle Code", or "MVC"), 75 Pa.C.S.A. § 6102, states: "Local authorities may exercise the powers granted in this chapter only by duly enacted ordinances of their governing bodies."; and,

**Whereas**, the Motor Vehicle Code, 75 Pa.C.S.A. § 6109, additionally states that: "The provisions of this title shall not be deemed to prevent the department on State-designated highways and local authorities on streets or highways within their physical boundaries from the reasonable exercise of their police powers. The following are presumed to be reasonable exercises of police power: ... (2) Regulating traffic by means of police officers or official traffic-control devices; and further, ... (20) Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions."; and,

**Whereas**, § 23161 of the Second Class Cities Law, Act of April 29, 1911, P.L. 105, § 1, as amended, 53 P.S. § 23161, states, in pertinent part: "every city of the second class, ... is authorized and empowered to enact ordinances regulating, in the interests of public safety, ... convenience, the movement of ... vehicular traffic, of every kind, in streets, parks, bridges, squares, and public places in such cities."; and,

**Whereas**, § 23163 of the Second Class Cities Law, Act of April 29, 1911, P.L. 105, § 3, as amended, 53 P.S. § 23163, states, in pertinent part: "The regulation of traffic in such cities of the second class, as provided for in this act, shall be vested in the Department of Public Safety of such cities..."; and,

**Whereas**, § 4(A) of "Working Agreement Between The City of Pittsburgh and the Fraternal Order of Police - Fort Pitt Lodge No. 1", effective January 1, 2019, states: "The City and the Director of the Department of Public Safety, through the Chief of Police shall have the exclusive right to manage, administer, and supervise the employees including the right to schedule and assign work..."; and,

**Whereas**, City Council does hereby find and declare that a change in traffic enforcement policy is in the best interest of the public and police officers alike; and,

**Whereas**, such changes will aid the City in living up to its affirmative obligation to obey Article I, §§ 8, 26, 28 and 29 of the Constitution of the Commonwealth of Pennsylvania and § 204(j) of the City's Home Rule Charter.

**The Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1. The Pittsburgh Code of Ordinances, Title Five: Traffic, Article One: Administration, Chapter 503: Enforcement and Control is hereby supplemented as follows:**

**§ 503.17: Equitable and Fair Enforcement of Motor Vehicle Laws.**

**a. Legislative Intent**

It is the purpose of this legislation to further the just, equitable, and fair enforcement of the law for all people, to provide for the fair and transparent administration of the code with respect to all, to prevent racial disparities, and to protect public safety in a manner consistent with these values.

**b. Definitions**

- 1. Primary Violation.** A violation of the Pennsylvania Vehicle Code, 75 Pa.C.S. Section 101, et. seq., observed within the city of Pittsburgh, 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 Bureau of Police by regulation:
  - i. 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.
  - ii. 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.
  - iii. 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.
  - iv. 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.
  - v. Title 75 Pa. C.S. § 4524 (c). Other Obstruction.
  - vi. Title 75 Pa. C.S. § 4536. Bumpers.
  - vii. Title 75 Pa. C.S. § 4703. Operation of Vehicle Without Official Certificate of Inspection; where the inspection certificate was valid within sixty days of the observed infraction.
  - viii. Title 75 Pa. C.S. § 4706 (c)(5). Unlawful Operation Without Evidence of Emission Inspection; where the inspection certificate was valid within sixty days of the observed infraction.



c. **Compliance and Enforcement of the Pennsylvania Vehicle Code**

1. **Compliance with the Pennsylvania Vehicle Code.** So long as such conduct is prohibited by the Pennsylvania Vehicle Code, 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 Vehicle Code.
2. **Enforcement of Primary Violations.** A police officer or law enforcement officer may initiate a motor vehicle stop and, at their discretion, cite a driver for a violation of a primary violation observed within the City of Pittsburgh without observing any other Pennsylvania Vehicle Code violation.
3. **Enforcement of Secondary Violations.** Notwithstanding the provisions of any contrary ordinance, resolution, regulation, procedure or order of the City or any of its departments or agencies, a police officer or other law enforcement officer may initiate a motor vehicle stop for a secondary violation, enumerated in § 503.17(b)(2), observed within the City of Pittsburgh only where there is a simultaneously-observed primary violation for which an officer, at their discretion, could issue a citation.

d. **Construction.** This section shall not be construed to supersede and state or federal law.

e. **Severability.** If any one or more section, subsection, sentence, clause, phrase, word, provision or application of this Ordinance shall for any person or circumstance be held to be illegal, invalid, unenforceable, or unconstitutional, such decision shall not affect the validity of any other section, subsection, sentence, clause, phrase, word, provision or application of this Ordinance which is operable without the offending section, subsection, sentence, clause, phrase, word, provision or application shall remain effective notwithstanding such illegal, invalid, unenforceable, or unconstitutional section, subsection, sentence, clause, phrase, word, provision or application, and every section, subsection, sentence, clause, phrase, word, provision or application of this Ordinance are declared severable.

f. **Conflict with other Ordinances or Resolutions.** All Ordinances or Resolutions inconsistent with these provisions are hereby repealed to the extent of their inconsistency.

g. **Annual Review.** *The Bureau shall provide the Department of Public Safety and City Council with an annual report on this Ordinance for purposes of review.*

h. **Effective Date.** *This Ordinance shall take effect one hundred twenty (120) days following after it becomes law.*