

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 211008)

RESOLUTION

Calling on the General Assembly to prohibit the use of deadly force to make a citizen's arrest.

WHEREAS, Citizen's arrest law is a vestige of a bygone era, before the advent of professional policing, and now detract far more from public safety than they contribute; and

WHEREAS, All 50 states have citizen's arrest statute, enacted during a time when professional police forces were not ubiquitous and the 911 dispatch system was not yet established; and

WHEREAS, Pennsylvania's citizen's arrest statute broadly mirrors the statute governing arrest by a law enforcement officer. Accordingly, citizens are allowed to use the same amount of force, including deadly force, as a peace officer in making an arrest; and

WHEREAS, The United States has over 18,000 police agencies, and Pennsylvania has more police agencies than any other state, with 1,117. Those police officers receive extensive training. Indeed, sworn officers in Philadelphia receive 30 weeks of training before receiving their first assignment. Accordingly, law enforcement officers are substantially better qualified to make an arrest than a typical citizen; and

WHEREAS, Firearms have proliferated in the United States. There are nearly 400 million firearms under civilian ownership in the United States, more than one per person. At the same time, firearms possession and carry laws in most states have been dramatically loosened. Just last month, the General Assembly passed a bill eliminating most limitations on public carry of firearms in Pennsylvania; and

WHEREAS; As more citizens carry firearms in public, the likelihood that a citizen's arrest escalates into a fatal encounter is significantly greater. Moreover, if a firearm is used in the course of a citizen's arrest, there is a possibility of injury or death of a bystander, particularly in densely populated areas such as Philadelphia. Furthermore, a law enforcement officer responding to a call may have trouble differentiating an armed citizen attempting to make an arrest and the arrestee; and

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WHEREAS; Citizen's arrest laws are prone to abuse. Vigilantes may use those laws as a shield when they seek to use force in pursuit of others. Even worse, they may use them as a shield against liability for conduct that harasses, provokes, and persecutes their targets. This possibility is particularly insidious where the target is a racial, ethnic, religious or other minority. That was the case with Ahmaud Arbery, a Black man who was followed and killed by three White men who claimed that they suspected that Arbery had committed burglary and theft at a nearby property. All three men were later convicted of murder; and

WHEREAS, For all of the above reasons, the use of deadly force to make a citizen's arrest is a greater potential threat than benefit to public safety; now, therefore, be it

RESOLVED, This Council hereby calls on the General Assembly to prohibit the use of deadly force to make a citizen's arrest.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the

Darrell L. Clarke
PRESIDENT OF THE COUNCIL

Michael A. Decker
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Johnson

Sponsored by: Councilmembers Johnson, Brooks, Gym, Parker, Council President Clarke, Councilmembers Gauthier, Henon, Domb, Gilmore Richardson, Jones, Green, Quiñones Sánchez and Thomas