City of Philadelphia

Legislation Details (With Text)

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Title:	Authorizing the Committees on Public Safety and Legislative Oversight to investigate Police Department progress in ensuring the constitutionality and racial neutrality of stops and frisks, pursuant to the settlement agreement in Bailey v. City of Philadelphia.				
Sponsors:	Councilmember Johnson, Councilmember Jones, Councilmember Gym, Councilmember Reynolds Brown, Councilmember Parker				
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4/26/2018	0	CITY COUNCIL	Introduced and Ordered Placed on This Week's Final Passage Calendar	Pass	
4/26/2018	0	CITY COUNCIL	ADOPTED & REFERRED		

Authorizing the Committees on Public Safety and Legislative Oversight to investigate Police Department progress in ensuring the constitutionality and racial neutrality of stops and frisks, pursuant to the settlement agreement in *Bailey v. City of Philadelphia.*

WHEREAS, In June of 2011, the City of Philadelphia entered into a settlement agreement in a federal class action filed by the ACLU of Pennsylvania and the law firm of Kairys, Rudovsky, Messing & Feinberg. The eight plaintiffs, all African-American or Latino men, alleged that they were stopped by Philadelphia police officers solely on the basis of their race or ethnicity. The settlement agreement required that the Police Department collect data on all stops and frisks, provide officers with enhanced training and supervision regarding stop-and-frisk practices, and undergo monitoring by an independent court-appointed monitor who would review and analyze the data and have authority to recommend practices and policies to ensure constitutionality of stops and frisks; and

WHEREAS, Since the announcement of the settlement agreement, the Police Department has made substantial progress in reducing constitutional defects and racial disparities in stops and frisks. For example, in the first half of 2017, stops were only slightly more likely to result in arrest for Black detainees than for White detainees, whereas in prior years there was a much greater likelihood. Moreover, unconstitutional stops and frisks have decreased substantially and are approximately the same share of all stops across all racial and ethnic categories; and

WHEREAS, Nevertheless, constitutional defects remain in Police Department stops and frisks. About one in five stops is still not supported by "reasonable suspicion" as required by the Fourth Amendment of the U.S. Constitution. The proportion of frisks that are unconstitutional is even higher; and

WHEREAS, Racial disparities persist in stops and frisks, particularly in predominantly White neighborhoods.

For example, in Police Service Area 9-1, near Rittenhouse Square, 3% of residents are Black but 67% of persons stopped by police were Black. Citywide, Black individuals are stopped more than twice as frequently as White individuals; and

WHEREAS, Even after controlling for demographic, economic, and crime-rate variables, and incorporating econometric safeguards, Blacks and Latinos in Philadelphia are stopped and frisked at much higher rates than Whites in Philadelphia; and

WHEREAS, Given the profound importance of the subject matter, this Body deems it appropriate to examine the reasons for the Police Department's progress under the settlement agreement to date, its plans for continued progress, and opportunities for leaders across the City to support such continued progress; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the Committees on Public Safety and Legislative Oversight are authorized to investigate Police Department progress in ensuring the constitutionality and racial neutrality of stops and frisks, pursuant to the settlement agreement in *Bailey v. City of Philadelphia.*