

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DIAMONIK HOUGH, et al. CIVIL ACTION
Plaintiffs,
v. NO. 20-3508
CITY OF PHILADELPHIA, et al.
Defendants.

ANTHONY SMITH, et al. CIVIL ACTION
Plaintiffs,
v. NO. 20-3431
CITY OF PHILADELPHIA, et al.
Defendants.

DELANE J. WELTCH, et al. CIVIL ACTION
Plaintiffs,
v. NO. 20-3432
CITY OF PHILADELPHIA, et al.
Defendants.

IAN ZOLITOR, et al. CIVIL ACTION
Plaintiffs,
v. NO. 20-3612
CITY OF PHILADELPHIA, et al.
Defendants.

CONSENT ORDER

I. Introduction

This Consent Order sets forth the terms of a settlement by and between Plaintiffs and Defendants in the four captioned matters. Plaintiffs filed these lawsuits alleging that the Defendants violated their rights under the First, Fourth, and Fourteenth Amendments to the U.S. Constitution by reason of their policies and practices that caused harm and damages to persons subjected to Philadelphia Police

Department (“PPD”) interventions in protest activities in the City of Philadelphia in May and June 2020.

Plaintiffs and Defendants, without conceding any infirmity in their claims or defenses, have engaged in settlement negotiations to resolve the claims raised in this litigation. Defendants agree to the entry of this Consent Order for the purpose of settlement, and nothing contained herein may be taken as or construed to be an admission or concession of any violation of law or regulation, or of any other matter of fact or law, or of any liability or wrongdoing, all of which Defendants deny. No part of this Consent Order, including its statements and commitments, shall constitute evidence of any liability, fault, or wrongdoing by Defendants.

II. Remedial Orders

I. SETTLEMENT AMOUNT

a. The City will direct \$9,250,000 in damages to individual Plaintiffs.

II. INJUNCTIVE RELIEF

a. The City will direct \$500,000 toward community wellness and healing through a community grant (herein “The West Philadelphia Community Fund”) to serve the West Philadelphia Community surrounding the 52nd Street Corridor. The City will designate an additional \$75,000 to Bread & Roses to cover the cost of administering the grant. The West Philadelphia Community Fund will be intended to serve three purposes:

- 1) To hire a therapist, counselor, clinician or other community wellness specialist to be co-located within a pre-existing, trusted community service provider(s) or community-based organization(s) to provide culturally responsive, community-based mental health services to individuals impacted by the police violence that occurred on May 31,

2020, regardless of insurance status;

- 2) To promote wellness, build resilience, and improve the quality of life in the greater West Philadelphia community through direct services and programming;
- 3) To increase agency and support equity and racial and social justice by having community partners and residents direct funding decisions.

Individuals who currently reside or who were present and impacted in the West Philadelphia area on May 31, 2020, will be eligible to apply to utilize the grant money. The specific criteria for access will be drafted by Plaintiffs in collaboration with Bread & Roses, and the funds will be awarded consistent with the application process and criteria so drafted.

- b. Beginning in the spring of 2023, PPD Deputy Commissioner (“DC”) Wimberly, or any successor in that role, will attend a bi-annual meeting hosted by the Southwest Inspector and open to the public. DC Wimberly will report on use of force incidents in PSA 181 and 182 that have occurred during the prior six-months and will be available for questions from community members in attendance. The bi-annual report given at this meeting will include a written summary of data on stops, frisks, arrests, and any incident for which a Use of Force Report is required under PPD’s Directive 10.2, [D10.2-UseOfModerateLimitedForce.pdf](#). The meetings will continue until May of 2025.
- c. PPD confirms that it has, as of March 25, 2021, terminated its participation in the federal Law Enforcement Support Office/1033 program. Furthermore, any equipment previously received through that program was returned by April 15, 2021.

IT IS SO ORDERED.

BY THE COURT:

Date: March 20, 2023

/s/ David R. Strawbridge, USMJ
DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE