

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

Mahari Bailey, et al.,	:	
Plaintiffs	:	C.A. No. 10-5952
	:	
v.	:	
	:	
City of Philadelphia, et al.,	:	
Defendants	:	

**DEFENDANT CITY OF PHILADELPHIA’S TENTH REPORT
TO COURT AND MONITOR**

I. INTRODUCTION

Philadelphia Mayor James Kenney was elected in 2015 and took office in January 2016. Following his election, Mayor Kenney appointed a new Police Commissioner, Richard Ross, for the City of Philadelphia Police Department (“PPD”). Under Commissioner Ross, the City and PPD took a number of extensive steps to address the issues giving rise to this litigation, including a host of measures and controls detailed in previous Reports in this matter.¹ As noted in those earlier Reports, such efforts have been successful, leading to significantly fewer total pedestrian stops by PPD officers and significantly lower percentages of “bad” stops and/or frisks. Never have those numbers been better, however, than today.

In 2019, fewer citizens were stopped than during any other time period for which data exists. Even more importantly, PPD Audits indicate that the percentage of stops lacking in reasonable suspicion – already down well over 50% since 2015 – was lower in 2019 than in any other year to date. These dramatic changes are the result of PPD’s extensive, pain-staking efforts

¹ The City of Philadelphia will not attempt, in this Report, to recap all of the events that have transpired since the inception of this litigation. For historical information, the City of Philadelphia will rely on prior Reports filed on the Docket in this matter. This Report will focus on the actions undertaken by the City of Philadelphia and the Philadelphia Police Department during (and leading up to) the calendar year of 2019.

to educate, re-educate, and re-train its police officers on the applicable standards for conducting pedestrian stops and properly documenting those stops on the 75-48A form. But despite these improvements, PPD strives to do even more, and in the past year has devoted more resources to the issue than ever before.

In the summer of 2019, Commissioner Ross stepped down, and has since been replaced by Commissioner Danielle Outlaw, who was sworn in in 2020. Prior to Ross' departure, however, PPD began taking steps to enact its most aggressive reform yet, the creation and implementation of a "progressive discipline system" through which – for the very first time – PPD can not only discipline officers for 75-48A non-compliance, but can track "repeat offenders" and impose increasingly onerous penalties on officers who continue to make mistakes with respect to conducting pedestrian stops and/or adequately documenting those stops on the forms. Although this system remains in its early stages, PPD is confident that – as further described below – it will result in a marked improvement in 75-48A compliance even over and above the drastic improvements already made to date.

Under Commissioner Outlaw, PPD will utilize the progressive discipline system – together with the numerous other measures and controls that continue to be employed on an ongoing basis – to ensure that all officers not only have a clear understanding of the "stop and frisk" objectives, but of their continuing responsibility to protect citizens' civil liberties and properly prepare the 75-48A forms. These measures are further summarized below.

II. THE DATA REVIEW PROCESS

The PPD has established a process where all stops recorded on 75-48A forms are either completed electronically or by paper forms, which are manually entered in the PPD database. PPD Divisional Inspectors then conduct audits of a random data sample to determine whether the

recorded pedestrian stops and/or frisks were documented properly and conducted with reasonable suspicion.² In prior years, the random data sample included both pedestrian and car stops, which resulted in fewer pedestrian stops being audited. Starting in the 1st Quarter of 2016, Commissioner Ross directed PPD to limit the random data sample to pedestrian stops only. This resulted in a greater number of pedestrian stops being reviewed and audited on a quarterly basis. After the Divisional Inspectors complete their Audits, the Standards and Accountability Division, Audits and Inspections Unit (“Audits and Inspections Unit”), conducts its own audit of the Inspectors’ reviews. At the end of each quarter, the audited random sample of pedestrian stops, along with the Audits and Inspections Unit’s 75-48A Comprehensive Audit, is provided to the Plaintiffs for their review and analysis.

III. POLICE REVIEW OF 75-48A FORMS IN 2019

A. Fourth Amendment Analysis

In this section, the City sets forth its findings on the issue of whether pedestrian stops and frisks conducted in 2019 were supported by reasonable suspicion. As in previous audits, the parties agree to assess whether reasonable suspicion existed for the pedestrian stop and/or frisk based on the narrative information provided by the officer. Therefore, when an officer fails to provide a sufficient narrative in support of the pedestrian stop and/or frisk, it will be classified as a pedestrian stop and/or frisk not supported by reasonable suspicion.

For the first quarter of 2019, PPD Divisional Inspectors reviewed and audited a total of 2,544 75-48A Reports. Of the 2,544 audited Reports, the Audits and Inspections Unit conducted its quarterly review and audit of a random sampling of 538 of the audited Reports. See Office of Standards and Accountability Division, Audits and Inspections Unit, 75-48 Comprehensive

² Eleven Divisional Inspectors conducted the reviews for the 1st, 3rd and 4th Quarters of 2019. Twelve Divisional Inspectors conducted the review for the 2nd Quarter of 2019.

Audit for 1Q 2019 (attached hereto as Exhibit A). Of these 538 pedestrian stops, 470 (87.36%) were conducted based on reasonable suspicion and 68 (12.64%) did not meet the reasonable suspicion requisite. Of the 130 frisks, 99 (76.15%) were conducted based on reasonable suspicion and 31 (23.85%) did not meet the reasonable suspicion requisite.

For the second quarter of 2019, PPD Divisional Inspectors reviewed and audited a total of 2,633 75-48A Reports. Of the 2,633 audited Reports, the Audits and Inspections Unit conducted its quarterly review and audit of a random sampling of 544 of the audited Reports. See Office of Standards and Accountability Division, Audits and Inspections Unit, 75-48 Comprehensive Audit for 2Q 2019 (attached hereto as Exhibit B). Of these 544 pedestrian stops, 487 (89.52%) were conducted based on reasonable suspicion and 57 (10.48%) did not meet the reasonable suspicion requisite. Of the 102 frisks, 82 (80.39%) were conducted based on reasonable suspicion and 20 (19.61%) did not meet the reasonable suspicion requisite.

For the third quarter of 2019, PPD Divisional Inspectors reviewed and audited a total of 2,536 75-48A Reports. Of the 2,536 audited Reports, the Audits and Inspections Unit conducted its quarterly review and audit of a random sampling of 524 of the audited Reports. See Office of Standards and Accountability Division, Audits and Inspections Unit, 75-48 Comprehensive Audit for 3Q 2019 (attached hereto as Exhibit C). Of these 524 pedestrian stops, 461 (87.98%) were conducted based on reasonable suspicion and 63 (12.02%) did not meet the reasonable suspicion requisite. Of the 77 frisks, 55 (71.43%) were conducted based on reasonable suspicion and 22 (28.57%) did not meet the reasonable suspicion requisite.

For the fourth quarter of 2019, PPD Divisional Inspectors reviewed and audited a total of 2,398 75-48A Reports. Of the 2,398 audited Reports, the Audits and Inspections Unit conducted its quarterly review and audit of a random sampling of 513 of the audited Reports. See Office of

Standards and Accountability Division, Audits and Inspections Unit, 75-48 Comprehensive Audits for 4Q 2019 (attached hereto as Exhibit D). Of these 513 pedestrian stops, 440 (85.77%) were conducted based on reasonable suspicion and 73 (14.23%) did not meet the reasonable suspicion requisite. Of the 91 frisks, 66 (72.53%) were conducted based on reasonable suspicion and 25 (27.47%) did not meet the reasonable suspicion requisite.

A table summarizing the PPD assessments of pedestrian stops and frisks conducted in each quarter for 2015, 2016, 2017, 2018, and 2019 is below.

PPD AUDIT RESULTS³

	1Q 2015	2Q 2015	3Q 2015	4Q 2015	1Q 2016	2Q 2016	3Q 2016	4Q 2016	1Q 2017	2Q 2017
% ped. stops lacking reasonable suspicion	36%	63%	65%	35%	36%	14%	19%	18%	17%	17%
% frisks lacking reasonable suspicion	5%	46%	29%	52%	47%	30%	27%	29%	30%	30%
	3Q 2017	4Q 2017	1Q 2018	2Q 2018	3Q 2018	4Q 2018	1Q 2019	2Q 2019	3Q 2019	4Q 2019
% ped. stops lacking reasonable suspicion	19%	15%	16%	16%	13%	13%	13%	10%	12%	14%
% frisks lacking reasonable suspicion	31%	23%	23%	31%	29%	23%	24%	20%	28%	27%

In addition to the continuing reduction in pedestrian stops made by Philadelphia police officers without reasonable suspicion, the *total* number of pedestrian stops in the City of

³ All numbers in this section are based on the samples audited by the Audits and Inspections Unit. In addition, the 1Q 2015 frisk analysis, which showed a very low rate of frisks without reasonable suspicion, was conducted based on flawed metrics. The metrics have been corrected.

Philadelphia likewise continues to plummet and was lower in 2019 than in any previous year (and *far* lower than the totals in 2015, 2016, and 2017). A table summarizing the total number of pedestrian stops conducted in each Quarter for 2015, 2016, 2017, 2018, and 2019 is below.

TOTAL PEDESTRIAN STOPS PER QUARTER FOR 2015, 2016, 2017, 2018 and 2019

2015	1Q15	2Q15	3Q15	4Q15	Tot. 2015
Pedestrian Stops	43,847	52,130	61,906	55,897	213,780

2016	1Q16	2Q16	3Q16	4Q16	Tot. 2016
Pedestrian Stops	35,482	45,395	30,166	28,398	139,441

2017	1Q17	2Q17	3Q17	4Q17	Tot. 2017
Pedestrian Stops	26,090	30,186	30,827	23,106	110,209

2018	1Q18	2Q18	3Q18	4Q18	Tot. 2018
Pedestrian Stops	19,496	22,165	22,066	14,980	78,707

2019	1Q19	2Q19	3Q19	4Q19	Tot. 2019
Pedestrian Stops	17,407	23,888	22,746	12,896	76,937

B. Commentary on Fourth Amendment Issues

As evidenced above, PPD continues to achieve significantly reduced numbers of pedestrian stops by its police officers. Compared to 2015, when PPD conducted nearly 214,000 stops, and each of 2016 and 2017, when PPD conducted over 139,000 and 110,000 stops,

respectively, the Department's total stop numbers have been under 80,000 during each of the last two years. The 76,937 stops in 2019 is the lowest number of total stops during any year (down from 78,707 in 2018) since the onset of this litigation. These numbers mark an enormous decrease from the 213,780 stop peak in 2015. And most recently, PPD conducted only 12,896 stops in the fourth quarter of 2019, by the far the lowest stop count in any quarter to date. In fact, the 12,896 total stops during the fourth quarter of 2019 marks a 14% decrease from the quarter with the next-lowest stop total, the fourth quarter of 2018, in which 14,980 stops were conducted.

Furthermore, the 35,462 total stops in the last two quarters of 2019, combined, are far lower than the total number of stops for the comparable time periods in 2015 (117,803 stops during last two quarters), 2016 (58,564 stops during last two quarters), and 2017 (53,933 stops during last two quarters). Although less drastic, this also marks a decrease from the 37,046 stops in the last two quarters of 2018. And significantly, the total number of stops during the last two quarters of 2019 *combined* (35,642) is far lower than the number of stops during *any single quarter* in 2015. These decreases continue to evidence major changes in PPD policing practices in the area of pedestrian stops.

Along with the decreasing total number of pedestrian stops, 2019 saw historically low percentages of stops made without reasonable suspicion. The City's audits reflect that less than 15% of stops lacked reasonable suspicion for *each quarter* in 2019, the first time that has happened during this litigation. These results build upon the 13% figures in the final two quarters of 2018, which were already much improved from earlier quarters. The 10% and 12% of "bad" stops in the second and third quarters of 2019, respectively, also mark the first time PPD has achieved these numbers. And once again, this evidences a significantly more than 50%

decrease in the percentage of stops conducted without reasonable suspicion since the first quarter of 2016 and earlier. These numbers clearly indicate that the steady downward trend in stops conducted without reasonable suspicion is continuing.

This downward trend is further confirmed when calculating the estimated *total* number of quarterly stops without reasonable suspicion for the past two years, as based on the total number of stops per quarter multiplied by the percentage of stops without reasonable suspicion for the corresponding quarter.⁴ Looking backwards, in 2016, PPD estimates 29,973 stops were made without reasonable suspicion. This number went down to 18,561 estimated stops without reasonable suspicion in 2017, a decrease of nearly 38% from the prior year. In 2018, there was a nearly identical percentage decrease, with only 11,481 stops estimated to have been conducted without reasonable suspicion.

This same analysis for 2019 demonstrates another major reduction in the estimated number of total stops conducted without reasonable suspicion. During 2019, PPD estimates *only* 9,272 stops were made without reasonable suspicion, down 20% from 2018 and by far the lowest figure to date. 2,734 of these estimated stops occurred in the third quarter of 2019 and only 1,835 during the fourth quarter of 2019, the most promising figures to date. These reductions are clear evidence of a successful paradigm shift by PPD with respect to pedestrian stops.

As to frisks conducted without reasonable suspicion, the PPD Audit suggests that 2019 was the most successful year yet. Specifically, the PPD Audit found that the percentage of frisks conducted without reasonable suspicion was less than 30% during each quarter in 2019, the first time that has happened in any calendar year during this litigation. Additionally, the percentages of “bad” frisks for the first and second quarters of 2019 (24% and 20%, respectively) are the

⁴ These figures extrapolate the estimated total number of quarterly stops without reasonable suspicion by measuring the percentage of stops without reasonable suspicion as calculated in each quarterly audit against the actual total number of stops for those same quarters.

lowest of any two-quarter period to date. And the 20% figure in the second quarter of 2019 was by far the lowest in any single quarter (the previous low being 23%, which was achieved in multiple quarters). Although the PPD Audit suggests an uptick in the second half of 2019, with 28% and 27% of frisks being unsupported by reasonable suspicion in the third and fourth quarters, respectively, these numbers remain under the 30% threshold seen in previous years. The *total estimated number of frisks* was much lower in the second half of 2019 (5,733) than in the first half of 2019 (8,717), or in the second half of 2018 (6,818). Going one step further and estimating the total number of persons frisked without reasonable suspicion evidences a similar trend during these same time periods. In the second half of 2019, PPD Audits suggest that an estimated 1,616 frisks were made without reasonable suspicion, a noticeable reduction from the estimated 1,911 frisks lacking reasonable suspicion in the first half of 2019 and the 1,807 frisks lacking reasonable suspicion in the second half of 2018. Accordingly, a clear downward trend continues to emerge with respect to the number of persons actually being frisked – and the number of people subject to “bad” frisks – by PPD officers. The City and PPD expect these numbers to keep decreasing as PPD implements the measures detailed below.

The Plaintiffs’ audits – despite reporting a much higher percentage of “bad” frisks by PPD officers in 2019 – likewise indicate that the number of PPD citizens impacted by an unconstitutional (or improperly reported) frisk is drastically smaller than in prior years. According to Plaintiff’s audits, a frisk was conducted in 485 of the 3,993 (12.14%) stops reviewed for the third and fourth quarters of 2019, combined. Applying this percentage against the 35,642 total stops in the second half of 2019, it can be estimated that only 2,933 frisks were conducted by PPD officers in the second half of 2019. Even if the City were to accept Plaintiff’s statistics that 38% of these frisks were “bad,” (including stops Plaintiffs classify as “fruit of the

poisonous tree”), it can be estimated that only 1,115 frisks were conducted without properly documented reasonable suspicion in the second half of 2019 (an average of only 558 “bad” frisks / quarter).⁵ This marks a significant decrease from prior time periods.

These figures indicate an increasingly positive trend. As Plaintiffs have noted in previous Reports, “(you can)not expect that the transition from a stop and frisk practice that lacked any meaningful oversight to a system that accurately tabulates all stops and frisks and in which there is substantial compliance with the Constitution would be immediately successful.” See, Plaintiffs’ Third Report, at p.11 (Doc. No. 44) and Fourth Report, at p.9 (Doc. No. 48). It is clear that the City’s current administration – from the Mayor through PPD – has made it a priority to implement significant changes to reduce the number of pedestrian stops and frisks conducted without reasonable suspicion.

The City attributes the PPD’s steady reduction of total stops and stops without reasonable suspicion, at least in part, to a series of internal measures and policy changes implemented during the Kenney administration. A number of these were detailed in prior Reports, and most recently the City of Philadelphia’s Ninth Report on Fourth Amendment issues (Doc. No. 83). Despite the effectiveness of these recent policy changes, the City has agreed to undertake additional projects and impose new mechanisms – including, most recently, the implementation of a progressive discipline system – to further enhance PPD’s transparency, accountability and effectiveness in this area. That system, along with certain additional measures, is described below.

⁵ As set forth the preceding paragraph, PPD Audits reflect a higher frisk/stop ratio, but a lower percentage of frisks made without reasonable suspicion.

1. Progressive Discipline System⁶

Since 2018, PPD has been working towards the creation of a comprehensive system to allow the Department to electronically track all officers flagged for non-compliance with respect to conducting and/or recording pedestrian stops. This system is now fully operational, albeit in its early stages. PPD can now electronically track all officers and supervisors with 75-48A violations, and will keep track of the number of violations pertaining to each officer (not only for the quarter being reviewed at the time, but on a forward looking basis). In turn, PPD now has the ability to “flag” officers with multiple violations and will progressively implement discipline on that basis. See Exhibit E, PPD Progressive Discipline Process.⁷

In order to implement this process, the PPD Audits and Inspections Unit – spearheaded by Inspector Robin J. Hill – has agreed to not only conduct its own review of randomly selected forms and implement discipline on that basis, but to also review a significant number of forms flagged by the Plaintiffs in their review. If PPD concurs with Plaintiffs’ assessment as to any deficient 75-48A form, the non-compliant officer(s) will be disciplined for that form. And going even further, once an officer receives a violation, the PPD Audits and Inspections Unit will review all of that officer’s 75-48A forms on a going-forward basis for the next three (3) quarters, each of which will likewise subject the officer to discipline if improperly prepared. This marks a

⁶ Prior to the implementation of the progressive discipline system, PPD was utilizing a less advanced system as a stop-gap measure until the discipline system was finalized. This previous system – which was operative from the third quarter of 2017 until the end of 2018 – involved a series of “Weekly 75-48A Training Reports” by PPD Deputy Commissioner Myron Patterson, in which Deputy Commissioner Patterson identified all PPD personnel who were found to have made errors with respect to the preparation of 75-48As. In those weekly reports, Deputy Commissioner Patterson – who met personally with all Chief Inspectors and Inspectors to discuss PPD expectations regarding the 75-48A policy – identified the PPD personnel who made errors in the preparation of 75-48As and who were in turn required to receive verbal counseling / supplemental training on the proper preparation of the forms. Many officers received verbal counseling in connection with those weekly reports.

⁷ In its July 2019 submission to the Court setting forth the framework for this system, the City anticipated this system would be operational by Q3 2019. Due to unforeseen logistical issues, however, it did not become fully operational until Q4 2019, so the time frames specified therein have been pushed back by one quarter.

major increase in the number of forms being reviewed.

Perhaps most importantly, these reviews – and any corresponding discipline – will not only pertain to the officers on the street who make pedestrian stops and fill out the requisite form, but also to any supervisors who fail to “catch” and correct forms which inadequately describe the basis for the stop and/or frisk or demonstrate the impropriety of any such stop or frisk.⁸

As a general rule, under this new system, officers and supervisors will be disciplined as follows:

- 1st Violation – Verbal Warning / Counseling
- 2nd Violation – Written Reprimand
- 3rd Violation – a Violation of Section 5-011-10 of the PPD Disciplinary Code for Failure to comply with Police Commissioner’s orders, directives, memorandums, or regulations; or any oral or written order of superiors. The penalties for these violations will range from a formal Written Reprimand to be placed in the officer’s personnel file to suspensions of 5-20 days.

See Exhibit E, PPD Progressive Discipline Process.⁹

The PPD Audit for the fourth quarter of 2019 has identified a number of “violations” for progressive discipline purposes. 129 members of the Department, consisting of police officers, corporals, sergeants, and lieutenants were deemed to have prepared or failed to correct non-

⁸ It has been discussed with Plaintiffs’ counsel that there may be some flexibility with respect to supervisors who are required to review unusually large amounts of forms but make only the rare mistake. Because this is a new system, these situations will be discussed among the parties as they arise.

⁹ In order to comply with constitutional “notice” requirements, an officer cannot receive a second violation for progressive disciplinary purposes until they have received notice of a first violation. Therefore, if an officer submitted multiple non-compliant forms during Q4 2019, those will count as a *single* violation for progressive discipline purposes. This process will remain the same for the 1st Quarter of 2020.

compliant 75-48A forms. See Exhibit F, PPD Audit Errors Fourth Quarter 2019.¹⁰ As noted above, not only will these officers receive verbal counseling for the errors, but PPD will specifically review each of their 75-48A forms for the next three quarters. The next violation would result in a formal written reprimand, and violations beyond that would place them under the disciplinary framework of Section 5-011-10 of the PPD Disciplinary Code. See Exhibit E. The City and PPD are optimistic that after these officers receive this additional counseling, they will amplify their efforts in assessing reasonable suspicion and documenting the same on the requisite forms.

2. Expansion of Auditors / Implementation of Progressive Discipline

Implementing this system has been labor-intensive. For one, PPD had to develop a methodology that would not infringe on the officers' constitutional "notice" requirements. The City and PPD have met with Plaintiffs' counsel on numerous occasions to obtain their input and to collectively work towards forming a system to allow the Department to adequately discipline its officers without infringing on their rights. Moreover, the system itself is more complicated than that which was previously implemented, and placed a large burden on PPD's OIT employees, with significant input from high-ranking police officials.

But most importantly, PPD has agreed to review far more forms than in the past, and has reassigned seven police officers / supervisors to these duties, marking an increase from three to ten auditors on the project exclusively.¹¹ The new auditors have been trained and each continue to review, on a daily basis, a series of 75-48As from prior years to determine whether each form is valid under the standards which pertain to this litigation. Upon completion of this daily

¹⁰ Because this spreadsheet identifies officers with errors by name, payroll number, and title, it has been redacted to a single sheet merely indicating its form for purposes of the public docket.

¹¹ The reassigned personnel include a captain, a lieutenant, a sergeant, and four (4) corporals. Two additional aides were also provided formal training to assist with these reviews.

review, the forms are forwarded up the chain of command to each auditor's immediate supervisor, then the Captain, and then to the Inspector or Staff Inspector. Accordingly, this new process is the most labor-intensive and time-consuming reform made in this area to date and PPD expects its development to send a strong message to all personnel about the seriousness with which the Department takes these issues.

3. Ongoing Departmental Actions Designed to Address the 75-48A Issue

a. Roll Call Training / Teletypes

The PPD continuously provides roll call training when new policies or procedures regarding 75-48As are implemented. Additionally, officers receive regular roll call training regarding the constitutionality of pedestrian stops and frisks. Most recently, in connection with the progressive discipline system, PPD issued a July 2019 Training Bulletin to the entire Department specifying errors that continue to be made, and emphasizing the importance of compliance with the *Bailey* Consent Decree. See Exhibit G, 75-48A Training Bulletin, Jul. 18, 2019. Around the same time, an email teletype was distributed to all of PPD emphasizing the same errors and noting that appropriate action would be taken against officers and supervisors who allowed such errors to continue. See Exhibit H, 75-48A PPD Teletype.

b. Department-wide Availability to PPD Legal Advisor

The PPD Legal Advisor provides specialized training when requested by any commander and focuses the presentations on the specific nature of each unit. For example, the training for patrol and narcotics officers may differ in certain ways because the "stop" issues facing those units often differ from one another. While the constitutionality of stops remains the same, the nuances among different units can be confusing for the officers. The Legal Advisor clarifies

these nuances and provides guidance on how to properly document the encounters on the 75-48A form.

c. Standards and Accountability Division, Audits and Inspections Unit Training

The Audits and Inspections Unit is not only the highest level auditor for the 75-48A form, but also provides regular and detailed training for individuals, units or squads that may be performing poorly with respect to 75-48A compliance. Additionally, the Audits and Inspections Unit provides pragmatic, all-encompassing training for all new promotional ranks. This comprehensive training covers the use of proper forms, the constitutional issues at play and the roles and responsibilities of new supervisors in the overall review process.

Throughout the calendar year of 2019 – despite implementing a new disciplinary process for 75-48A compliance – the Audits and Inspections Unit remained very busy conducting trainings for PPD personnel at all levels, including groups of officers, captains, sergeants, lieutenants, corporals and inspectors, as well as certain individual officers who were previously flagged for insufficiencies in their paperwork. Led by Inspector Hill, the Audits and Inspection Unit conducted approximately 40 such trainings during 2019. (Audits and Inspections Unit Training Record, attached hereto as Exhibit I). These additional training sessions, including individualized training for officers who have made multiple past errors, provide additional guidance and increase accountability across the PPD ranks.

d. Municipal Police Officer (MPO) Training

Each and every police officer is required to complete a week long training course on legal issues and changes in laws concerning law enforcement. The curriculum for each calendar year is written and approved one year in advance. Since 2017, the MPO curriculum has included

training regarding pedestrian stops and the requirements of reasonable suspicion to conduct pedestrian stops and related frisks.

C. Conclusion on Fourth Amendment Issues

The PPD continues to take comprehensive steps to reduce the number of pedestrian stops and frisks made without reasonable suspicion, and to correct ongoing issues regarding the recording of these stops on 75-48A forms. Over the past few years, PPD has continued to track data, conduct trainings, implement supervisory review processes, and counsel non-compliant officers. And the data has spoken loudly; the improving numbers – both with respect to the total number of pedestrian stops conducted by Philadelphia police officers and the percentage of “bad” stops – have demonstrated the effectiveness of these measures.

But despite these improvements, PPD has now gone even further by implementing the above-described progressive discipline system and re-assigning a significant number of police officers to conduct these reviews on a full-time basis. The ability to track and discipline non-compliant officers and supervisors is expected to further encourage police to not only use sound judgment in conducting pedestrian stops, but to properly document those stops on the appropriate form. Accordingly, moving forward, PPD expects even more improvement among its officers.

Date: April 22, 2020

Respectfully Submitted,

/s/ Craig M. Straw
Craig M. Straw, Esquire
First Deputy City Solicitor

/s/ Jonathan Cooper
Jonathan Cooper
Deputy City Solicitor

Pa. Attorney ID No. 316374
City of Philadelphia Law Department
1515 Arch Street, 14th Floor
Philadelphia, PA 19102
(215) 683-5448
jonathan.cooper@phila.gov

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v.	:	
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Defendants	:	

CERTIFICATE OF SERVICE

I hereby certify that on the date below, the City of Philadelphia’s Tenth Amendment Report on Fourth Amendment Issues to Court and Monitor was filed via the Court’s electronic filing system and is available for downloading.

Date: April 22, 2020

Respectfully submitted,

/s/ Jonathan Cooper
Jonathan Cooper
Deputy City Solicitor
Pa. Attorney ID No. 316374
City of Philadelphia Law
Department
1515 Arch Street, 14th Floor
Philadelphia, PA 19102
215-683-5448 (phone)
jonathan.cooper@phila.gov