

**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**

**PLAINTIFFS' NINTH REPORT TO COURT AND MONITOR
ON STOP AND FRISK PRACTICES: FOURTH AMENDMENT ISSUES**

This Ninth Report to the Court and Monitor provides a Fourth Amendment analysis of stop and frisk practices by the Philadelphia Police Department ("PPD") for the First and Second Quarters of 2018, and sets forth plaintiffs' recommendations for enhanced compliance measures by the PPD.

I. History of the Case

On June 21, 2011, the Court approved a Settlement Agreement, Class Certification, and Consent Decree ("Agreement"). On February 6, 2012, plaintiffs submitted their First Report which analyzed stop and frisk data for the first two quarters of 2011. The First Report focused on Fourth Amendment issues, and specifically whether there was sufficient cause for the stops and frisks reported by the Philadelphia Police Department ("PPD"). The audits showed that over 50% of stops and frisks were undertaken without reasonable suspicion.

Plaintiffs' Second Report was submitted in July 2012, and showed continued high rates of stops and frisks without reasonable suspicion (over 40% in both categories). On the issue of racial disparities, plaintiffs' expert, Professor David Abrams, conducted a series of regression analyses and concluded that the racial disparities in stops and frisks

were not fully explainable by non-racial factors. Further, the analysis of marijuana arrests showed even more pronounced disparities, with Blacks and Latinos constituting over 90% of all marijuana arrests.

Plaintiffs' Third Report focused on stop and frisk practices for the first two quarters of 2012. Plaintiffs again found a 40% rate of non-compliance with Fourth Amendment standards, and racial minorities constituted over 90% of arrests for small amounts of marijuana. In response, the City stated that the PPD was providing additional training, issuing revised auditing protocols, and instituting new accountability measures.

The Fourth Report, filed in December, 2013, analyzed stops and frisks in 2012 and 2013, on both Fourth and Fourteenth Amendment grounds. Pedestrian stops were made without reasonable suspicion in 43% of the cases reviewed, and frisks were conducted without reasonable suspicion in over 50% of the cases. There continued to be very low "hit-rates," with only 3 guns recovered in over 1100 stops (0.27%).

The stops and frisks continued to be racially disproportionate with statistically significant disparities that were not explained by non-racial factors (e.g., crime rates, demographics of police districts, age, and gender). The rate of stops without reasonable suspicion for Blacks was 6.5 percentage points higher than the rate for Whites, demonstrating that police were using a higher threshold of "reasonable suspicion" for stops of White suspects.

The Fifth Report covered the first two Quarters of 2014 and showed a rate of stops without reasonable suspicion of 37%. The rate of frisks without reasonable suspicion, or as fruits of an impermissible stop, was 53%. Hit rates remained very low, with 433 frisks yielding only two firearms. Indeed, where officers stated that a "bulge"

justified a frisk, they seized a gun in only 1 of 78 frisks. On the issue of racial impact, the experts for the City and plaintiffs both found statistically significant evidence of racial bias in stops and frisks.

The Sixth Report covered two Quarters in 2015, and showed continuing high rates of stops and frisk without reasonable suspicion, very low “hit-rates” for weapons, and racially biased patterns of stops and frisk practices. In February, 2016, the Court (Dalzell, J.) met with the parties, including the Managing Director, the Police Commissioner and Mayor Kenney’s Criminal Justice Advisor (Judge Benjamin Lerner) in response to the Sixth Report which showed continued and serious non-compliance with the Consent Decree on both the Fourth and Fourteenth Amendment issues. The City acknowledged the deficiencies in the stop and frisk practices and set forth a plan for internal accountability, including measures long advocated by plaintiffs, to ensure compliance with the Consent Decree. The parties agreed that the data from the Third and Fourth Quarters, 2016 and from 2017 would provide reliable grounds for assessing whether these measures are effective and what additional steps would be necessary to achieve compliance with the Consent Decree.

The Seventh Report (second half of 2016), showed improvements in the PPD stop and frisk practices, including a 35% decrease in the number of stops for 2016 as compared to 2015, and fewer stops and frisks without reasonable suspicion. Thus, in the second half of 2016, stops were supported by reasonable suspicion in 75% of the cases (as opposed to 67% in 2015) and frisks were supported by reasonable suspicion in 59% of the cases (as opposed to 43% in 2015). Nevertheless, the data also showed non-compliance with both Fourth and Fourteenth Amendment standards, with tens of

thousands of persons being stopped and frisked without reasonable suspicion by the PPD on an annual basis. These improvements were the direct result of newly implemented internal accountability measures. The parties again met with the Court (Padova, J.) and agreed to further implementation of accountability protocols in 2017.

The Eighth Report analyzed data from stops made in the first two quarters, 2017. 79% of all stops were supported by reasonable suspicion; 21% were without legal justification. There continued to be a very high number of frisks without reasonable suspicion, 42% (at the same rate as a year before).

In February, 2018, at a conference with the Court and the Monitor, the City agreed that it would have to significantly enhance current accountability measures to prevent the thousands of stops and frisks without reasonable suspicion. As this Report demonstrates, while some progress is shown with respect to stops, frisks continue to be conducted without reasonable suspicion at a 30% rate. Further, the City has yet to fully implement its promised internal accountability measures.

II. First and Second Quarters, 2018: Fourth Amendment Analysis

In this section, plaintiffs set forth their findings for the First and Second Quarters, 2018 on the Fourth Amendment provisions of the Consent Decree. As in previous audits, in assessing whether reasonable suspicion existed for the stop or frisk, we fully credit the narrative information provided by the officer and, in “close” cases, find reasonable suspicion.

The total number of stops was 41,661, reflecting a continuing decline in pedestrian stops. Plaintiffs’ counsel reviewed and analyzed 3992 pedestrian stops,

randomly selected by the Police Department.¹ 84% were supported by reasonable suspicion and 16% were made without reasonable suspicion. This is an improvement over 2017, where 21% of the stops were without reasonable suspicion. Frisks were reported in 740 stops. Of these, 70% were made with reasonable suspicion, 21% were made without reasonable suspicion, and 9% were preceded by a stop without reasonable suspicion (“fruit of the poisonous tree” category). Thus, 30% of frisks were without legal justification, the same rate reported for 2017.²

The following charts and graphs provide further data and breakdown of stops and frisks.

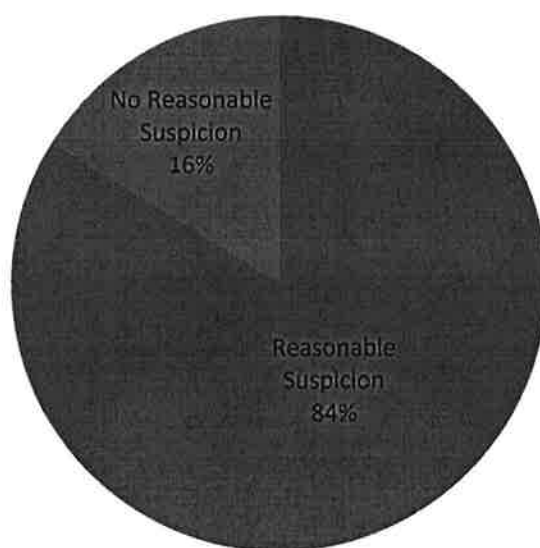
1 A number of “stops” turn out to be arrests based on full probable cause and some stops reflect police activity that is not properly viewed as a stop, as there was no “seizure” of the person (e.g., a “stop” to provide medical assistance or one who turns herself in on an outstanding warrant). Plaintiffs’ analysis excludes those “non-stops.”

2 As we discuss, *infra*, 21-22, in a significant number of stops for suspicion of weapons or for violent crimes, officers report that *no frisks were conducted*. These reports are questionable given police training and known police practices.

1. Stop Data

Actual Stops In Sample Data	3992	
Reasonable Suspicion	3347	84%
No Reasonable Suspicion	645	16%

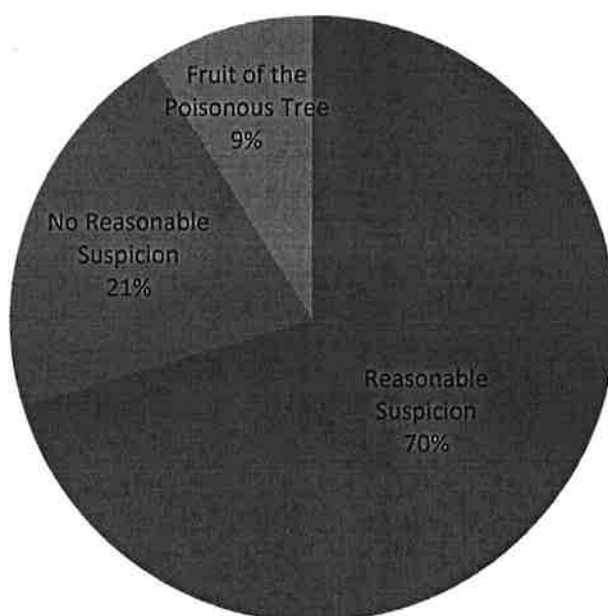
Stops: First Half 2018



2. Frisk Data

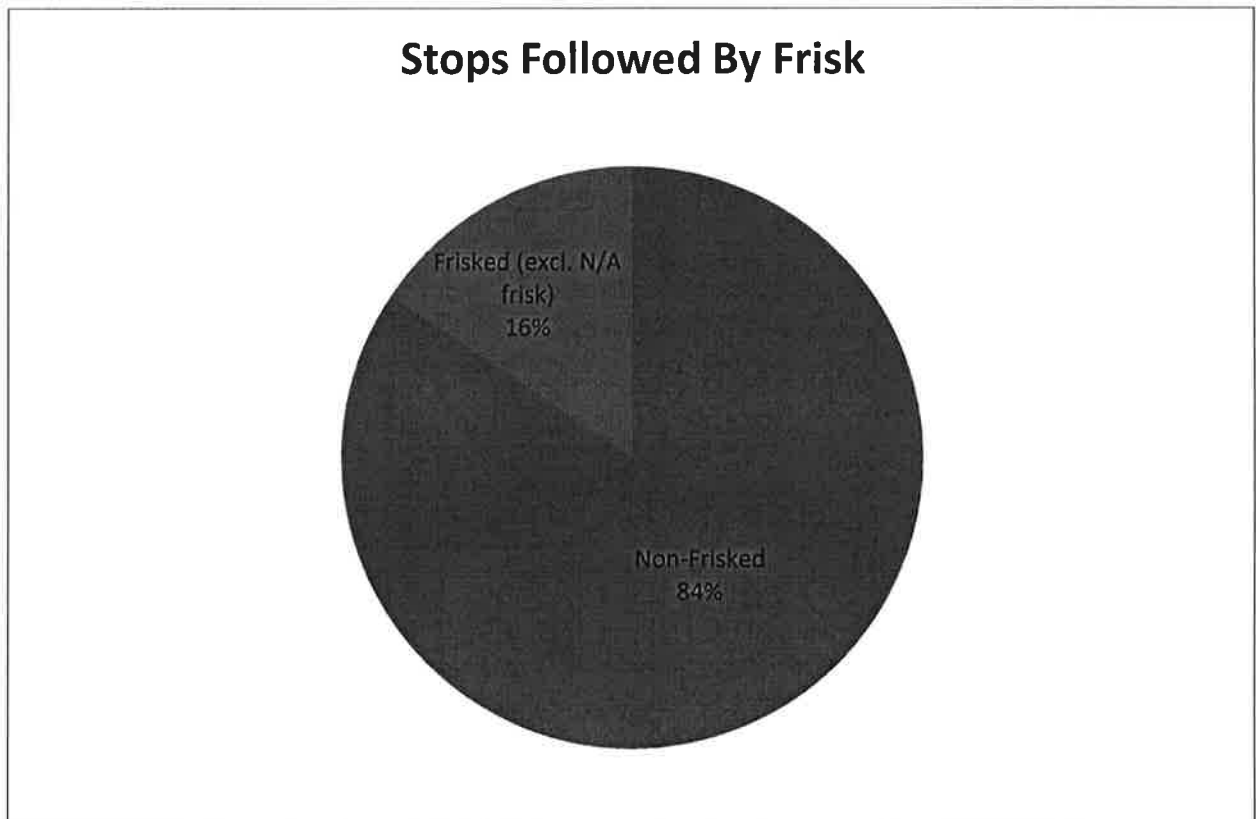
Frisks	740	
Reasonable Suspicion	521	70%
No Reasonable Suspicion	153	21%
Fruit of the Poisonous Tree	66	9%

Frisks: First Half 2018



3. Stop/Frisk Ratio

While officers documented frisks in 867 cases, in 127 of these cases, the officers conducted a search, and not a frisk. The 740 frisks are 16% of the 3992 stops.

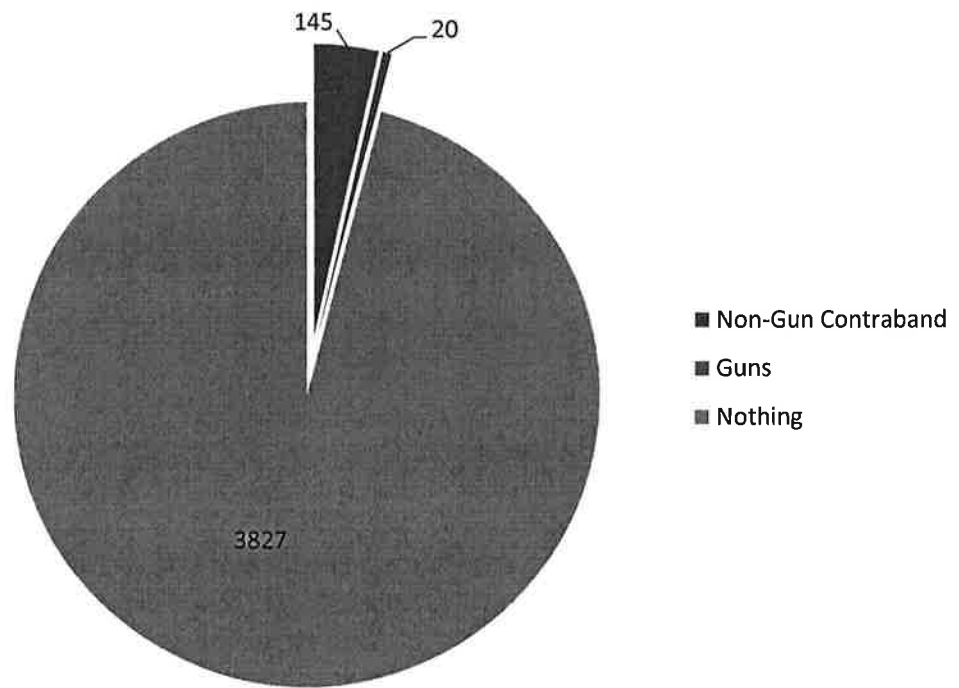


4. Contraband Recovered by Stops

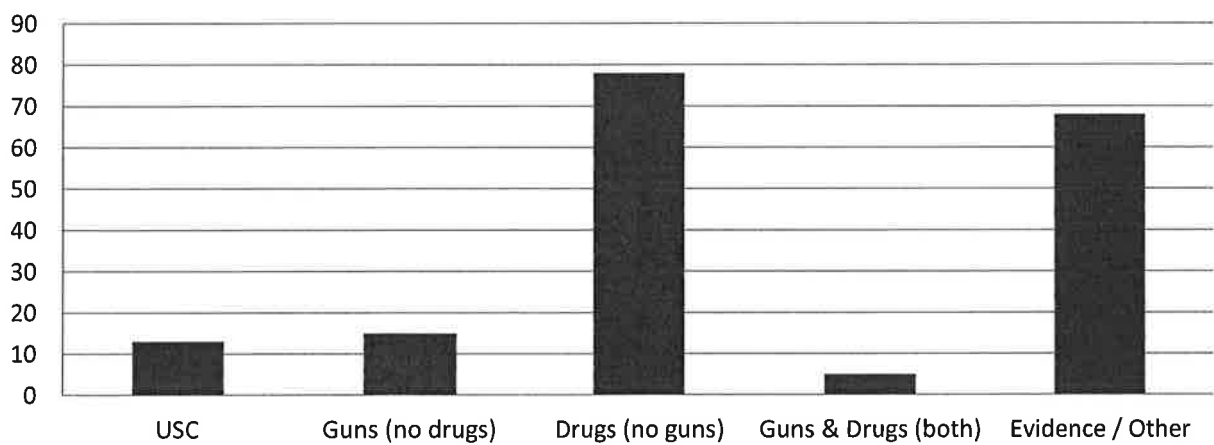
USC	13	0.27%
Guns (no drugs)	15	0.32%
Drugs (no guns)	78	1.64%
Guns & Drugs (both)	5	0.11%
Evidence / Other	68	1.43%

Note: 165 entries noted recovery of contraband, but multiple types of contraband were recovered in 14 of these stops, thus resulting in 179 contraband seizures.

Stops Resulting In Recovery Of Contraband

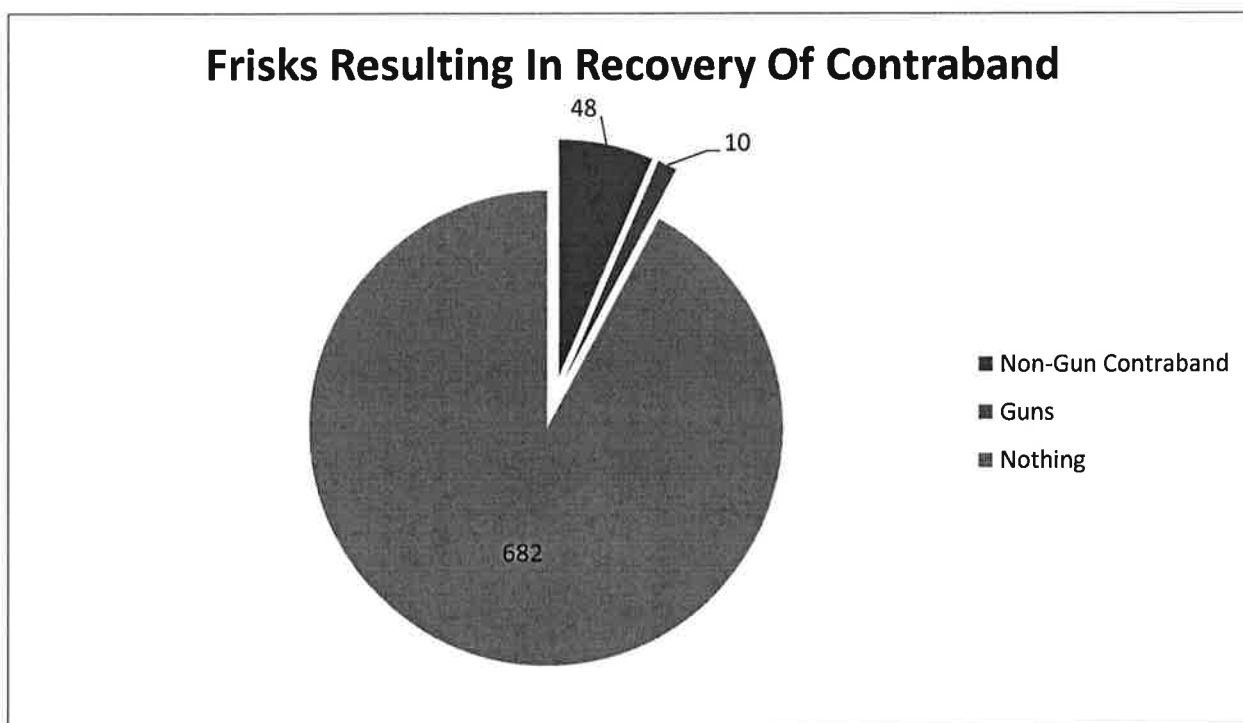


Stops: Items Recovered



5. Contraband Recovered by Frisks

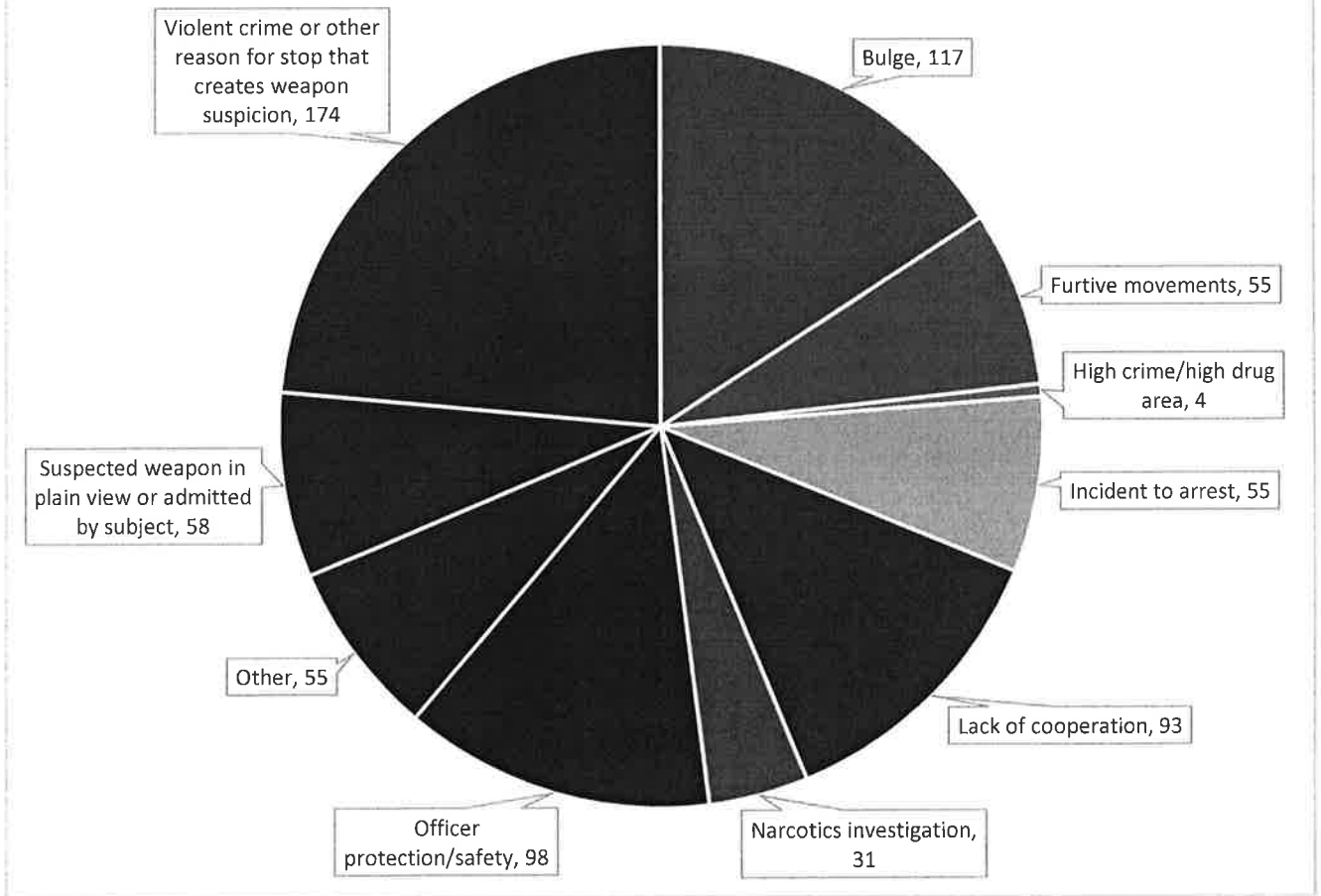
Non-Gun Contraband	48
Guns	10
No contraband	682
Total Frisks	740



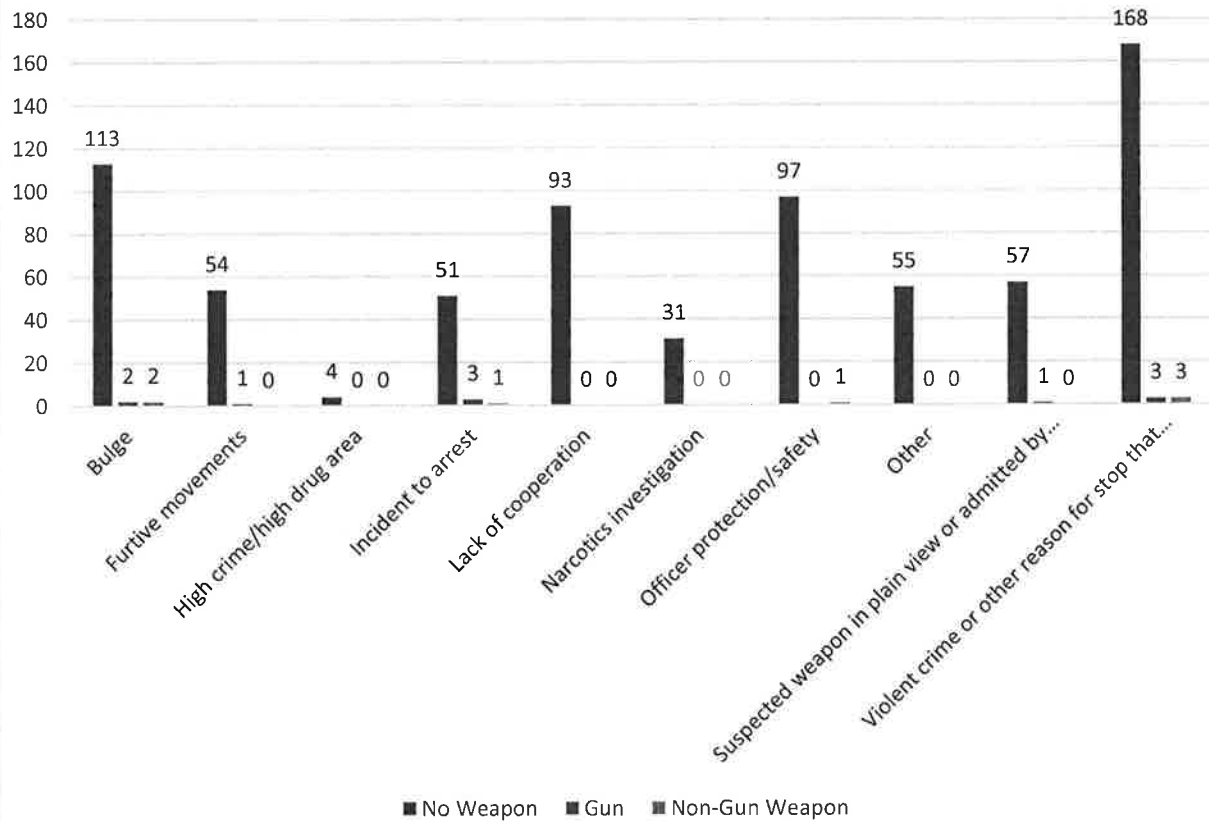
HIT-RATES

Reason	No Weapon	Gun	Non- Gun Weapon
Bulge	113	2	2
Furtive movements	54	1	0
High crime/high drug area	4	0	0
Incident to arrest	51	3	1
Lack of cooperation	93	0	0
Narcotics investigation	31	0	0
Officer protection/safety	97	0	1
Other	55	0	0
Suspected weapon in plain view or admitted by subject	57	1	0
Violent crime or other reason for stop that creates weapon suspicion	168	3	3
	723	10	7

Frisk Reasons



Frisks & Contraband Weapons

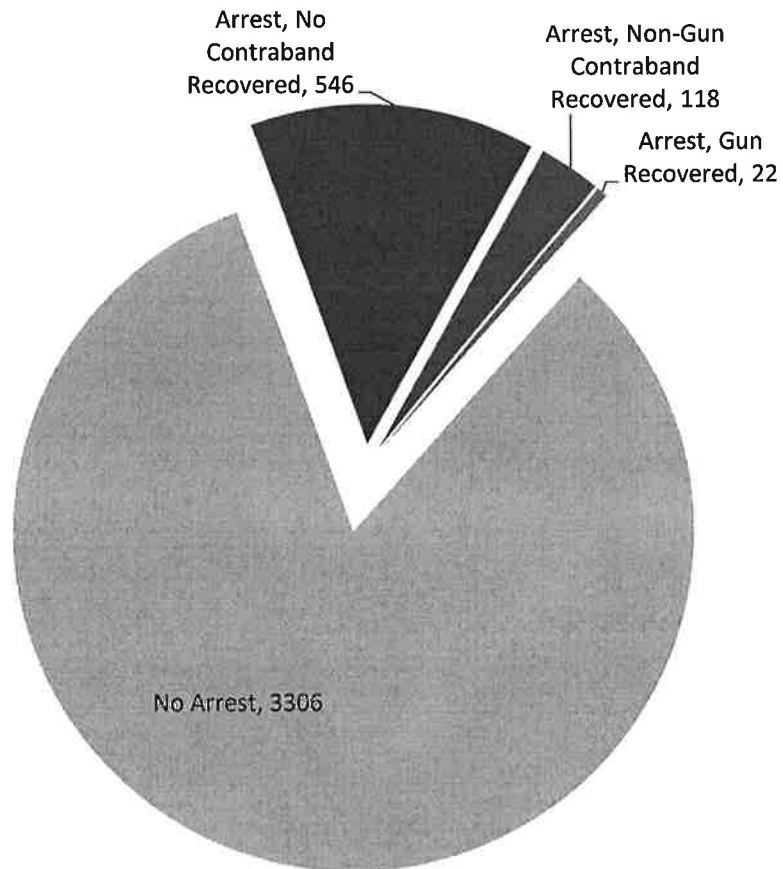


6. Contraband Recovered By Frisks, With and Without Reasonable Suspicion

Reasonable Suspicion	44
No Reasonable Suspicion	9
Fruit of the Poisonous Tree	5

7. Arrests and Contraband Recovered

Stops Resulting in Arrest and/or Recovery of Contraband



Arrest, No Contraband Recovered	546
Arrest, Non-Gun Contraband Recovered	118
Arrest, Gun Recovered	22
No Arrest	3306
Total Stops	3992

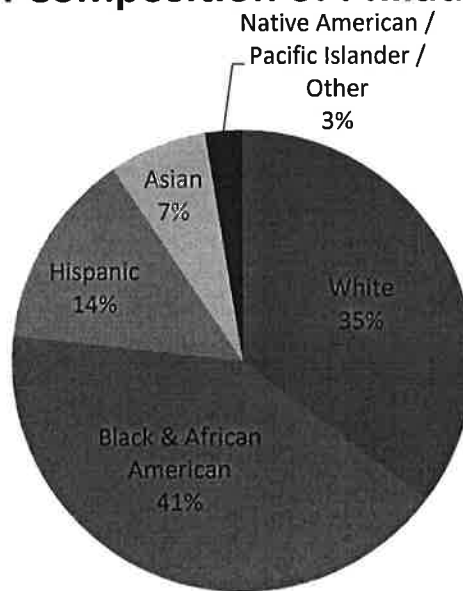
8. Racial Composition of Philadelphia

ACS 2016 (5-Year Estimates)

1559938 (total)

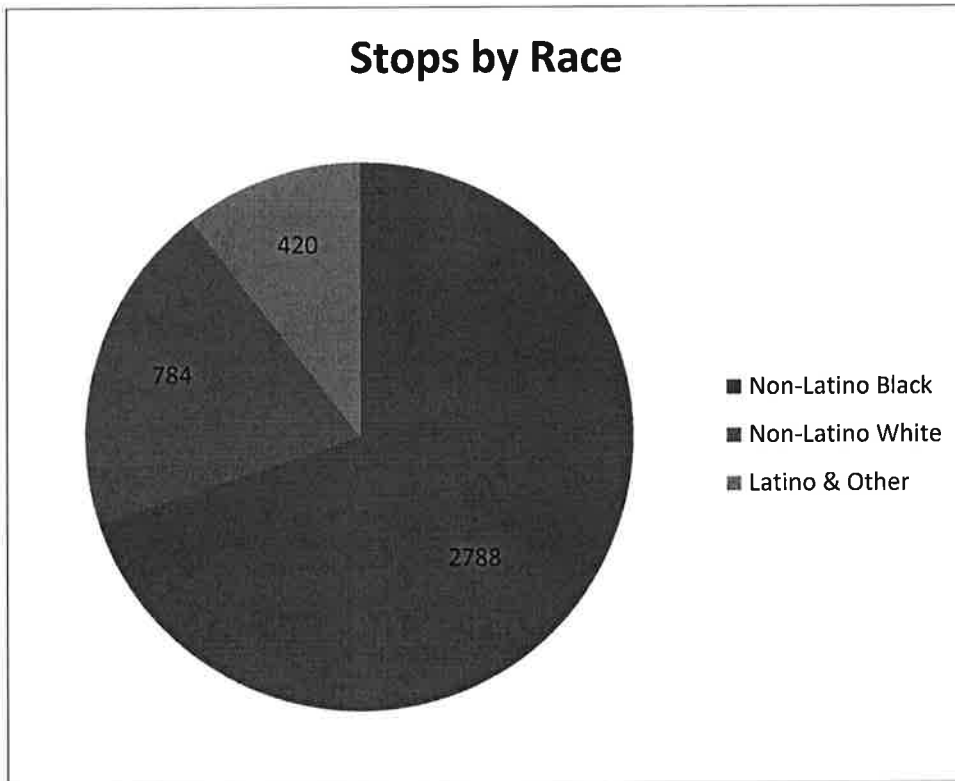
White	546979	35.27%
Black & African American	662382	41.55%
Hispanic	233968	13.77%
Asian	121726	6.84%
Native American / Pacific Islander / Other	15808	2.58%

Racial Composition of Philadelphia



9. Stops by Race

Black	2788	69.84%	80.36%	Minorities
Non-Latino White	784	19.64%		
Latino	420	10.52%		
Total	3990			



10. Stops by Race and Reasonable Suspicion

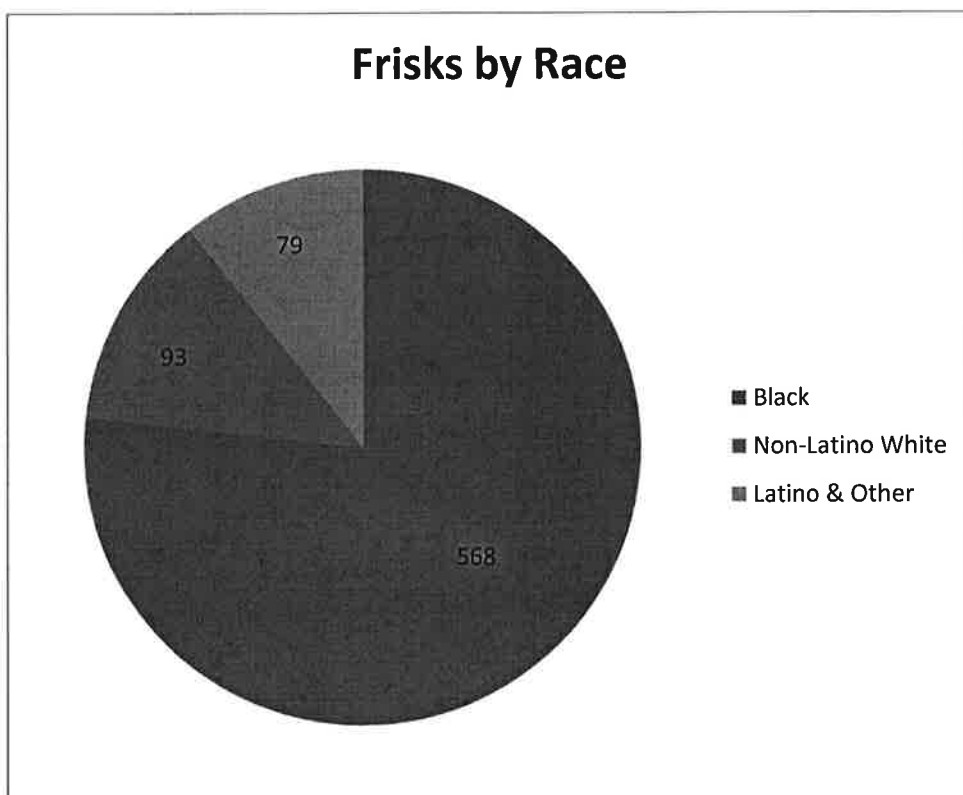
	Reasonable	Unreasonable	Reasonable %
Black	2337	451	83.82%
Non-Latino White	669	115	85.33%
Latino & Other	341	79	81.19%
Total	3347	645	3992
	83.84%	16.16%	



11. Frisks by Race

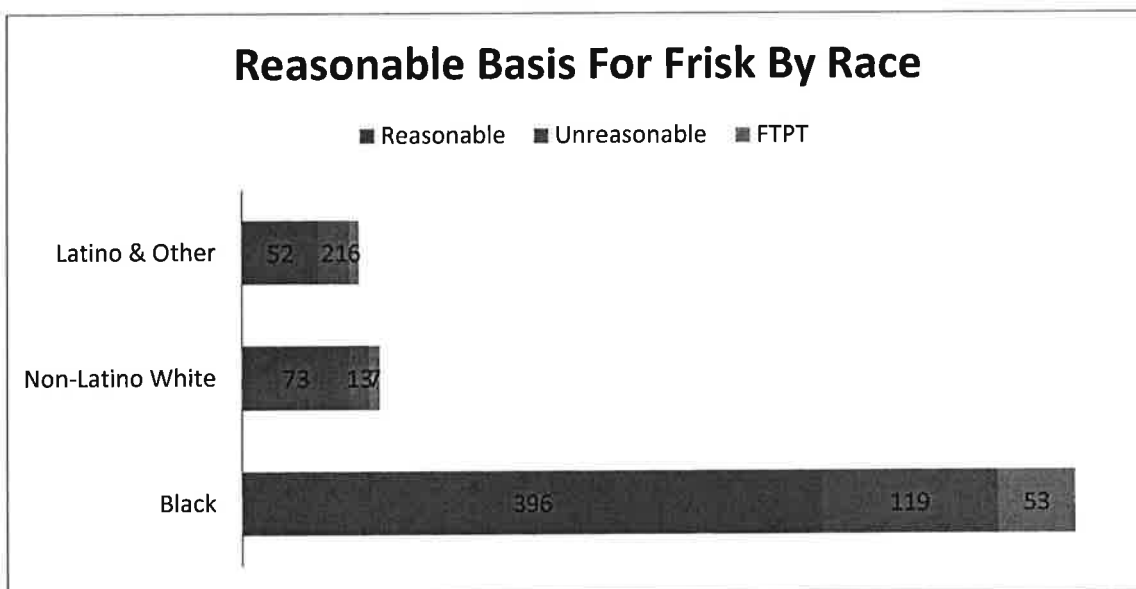
Black	568	76.76%
Non-Latino White	93	12.57%
Latino	79	10.68%
Total	740	

87.43% Minorities



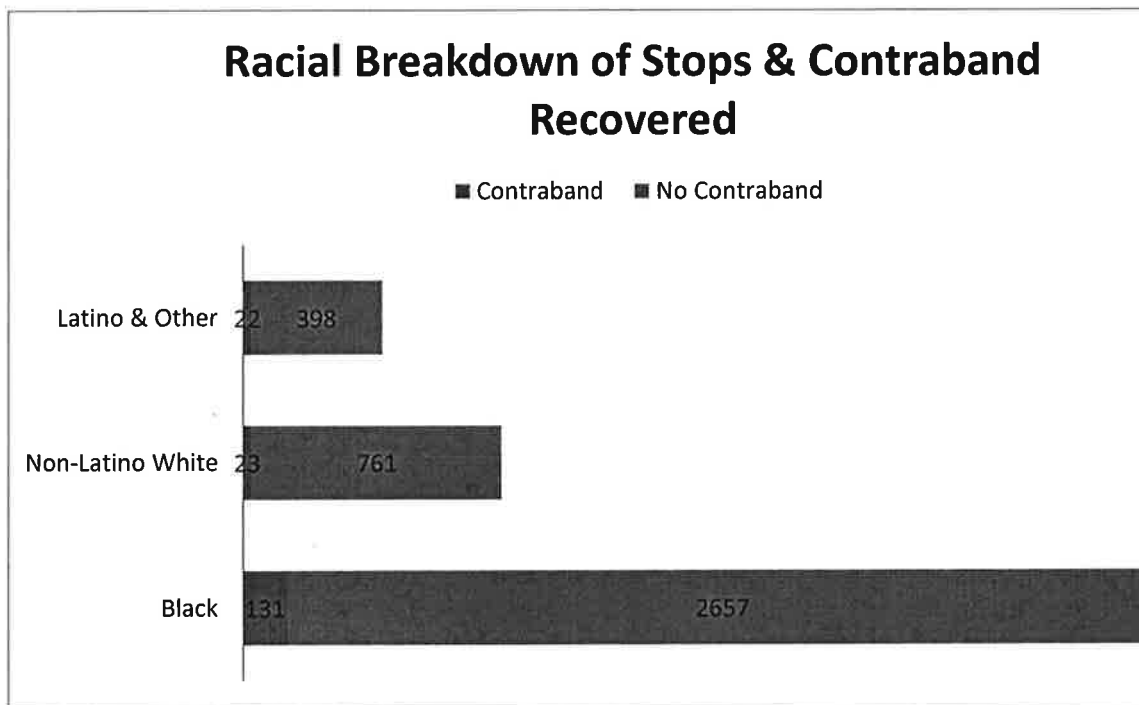
12. Frisks by Race and Reasonable Suspicion

	Reasonable	Unreasonable	FTPT	Reasonable %
Black	396	119	53	69.72%
Non-Latino White	73	13	7	78.49%
Latino	52	21	6	65.82%
Total	521	153	66	740
	70.41%	20.68%	8.92%	



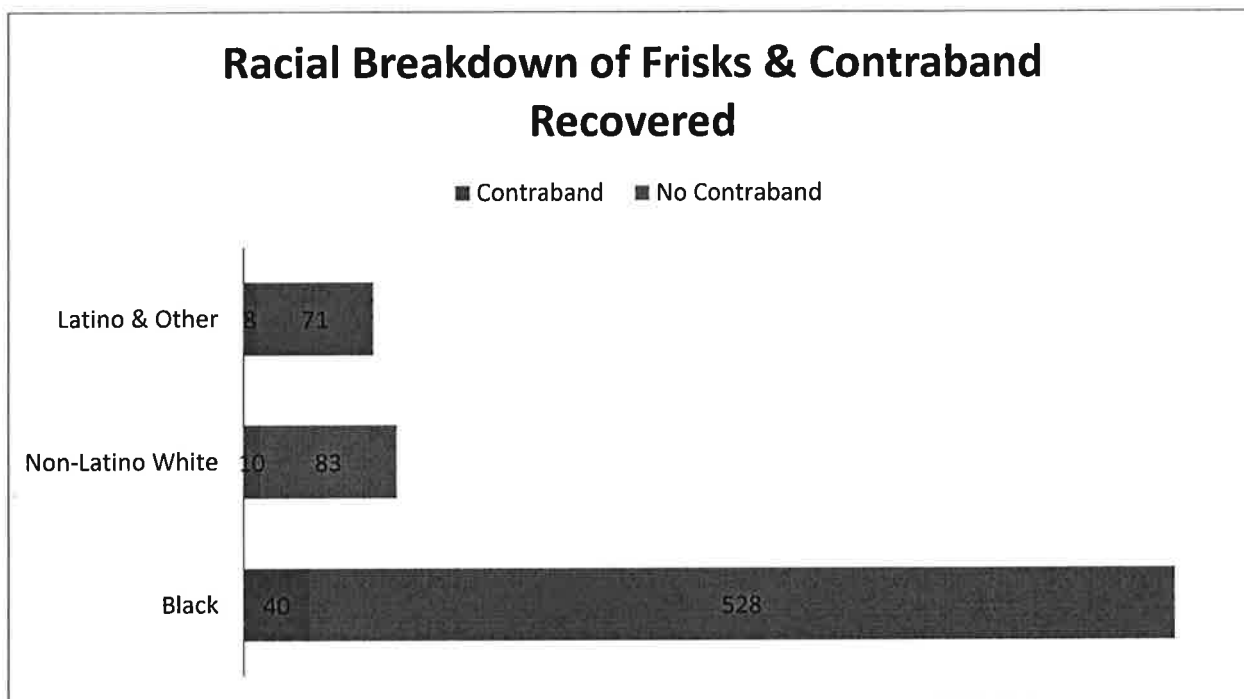
13. Stops by Race and Contraband Recovery

	Contraband	No Contraband	Total	Contraband %
Black	131	2657	2788	4.70%
Non-Latino White	23	761	784	2.93%
Latino & Other	22	398	420	5.24%
	176	3816	3992	
	4.41%	95.59%		



14. Frisks by Race and Contraband Recovery

	Contraband	No Contraband	Total	Contraband %
Black	40	528	568	7.04%
Non-Latino White	10	83	93	10.75%
Latino	8	71	79	10.13%
	58	682	682	
	7.84%	92.16%		



III. Commentary on Fourth Amendment Issues

1. 16% of all stops were made without the requisite reasonable suspicion.

The Police Department audits for this period show the same rate of stops without reasonable suspicion. This is an improvement over 2017, where the stop rate without reasonable suspicion was 21%, but in light of the fact that approximately 42,000 pedestrians were stopped in the first half of 2018, over 6,000 were stopped in violation of the Fourth Amendment.

2. 21% of all frisks were made without reasonable suspicion, and an additional 9% of frisks were made in cases where the stop itself was not supported by reasonable suspicion (“fruit of the poisonous tree”). Thus, 30% of all frisks were conducted in violation of the Fourth Amendment. The Police Department audits report a similar rate of frisks without reasonable suspicion (31%) for the second quarter, 2018. Given the fact that this case is now in its eighth year of monitoring, the City’s failure to ensure that frisks are conducted consistent with the Fourth Amendment and the Consent Decree requires court intervention.

3. The number of reported frisks, 740 (16% of stops), continues to be low. As before, there is reason to believe that officers have not been reporting all frisks. In stops based on suspicion of gun possession or a violent crime, the police frequently report no frisk of the suspect. There were approximately 110 “no-frisks” of this type, which means that up to 15% of all frisks are not being reported. See, Exhibit A (examples of stops with no-frisk recorded where frisk was highly likely).

The City disputed similar data in the Eighth Report, based on a partial review of the data we submitted, claiming that officers stated that they did not engage in frisks in

robbery and gun investigations due to other factors indicating no weapon possession. To the degree that officers are refraining from frisks without reasonable suspicion, the Bailey process is working, but the City's blanket acceptance of all of those explanations is not justified. There are cases in which the officer clearly engaged in a frisk. *See, e.g.*, 2018 Sequence Nos. 5199589 and 5303743 (officers state stop based on "person with gun call," no gun recovered, and no entry of a frisk).

4. There continues to be a very low "hit-rate" for stops and frisks. Only 20 illegally possessed firearms were seized (0.5 % of all stops) and several of these seizures were the result of searches incident to a probable cause arrest, not frisks.³ Several others were of licensed firearms. Drugs were found in 98 stops, though in many cases the "frisk" for drugs was not legal. In 80 stops, "evidence," such as U.S. currency, was seized. Overall, this is a contraband seizure rate of less than 4%. We recognize that legitimate stops are often not likely to disclose contraband, but such low hit-rates remain troubling.

By contrast, hit-rates for weapons on frisks are a highly reliable metric as officers must have *reasonable suspicion that the suspect is armed and dangerous* before a frisk can be conducted. Thus, it is fair to expect that seizure of weapons would be made in a significant number of these cases if the officers are accurately reporting facts that establish reasonable suspicion. Yet, the rate of recovery is vanishingly small. *Of 740 frisks, only 10 firearms were seized*, which means that over 98% of frisks yielded no weapons.⁴

³ There were some additional seizures of legally possessed firearms.

⁴ Indeed, it is likely that the hit-rates for weapons are even lower given the fact that police reported no frisks in 110 stops involving violent crimes or reports of weapons. See Exhibit A.

The following data details this analysis:

Reason	Frisks	Guns
Bulge	113	2
Furtive movements	54	1
High crime/high drug area	4	0
Incident to arrest	51	3
Lack of cooperation	93	0
Narcotics investigation	31	0
Officer protection/safety	97	0
Other	55	0
Suspected weapon in plain view or admitted by subject	57	1
Violent crime or other reason for stop that creates weapon suspicion	168	3
Totals	723	10⁵

This data raises serious questions as to (1) whether the justifications that were provided for the frisks are fair predictors of weapon possession and (2) whether the police are accurately reporting their reasons for frisks. It also raises serious policy questions regarding stop and frisk practices, even with respect to those police interventions permissible under current law.

In this regard, it is also noteworthy that a substantial number of stops are for low level offenses such as carrying an open liquor container, curfew violations, minor disturbances, and panhandling. In a random sample of approximately 315 stops, we determined that 147 stops were this type of “quality of life” detentions, 76 involved drug investigations, 58 involved other non-violent crime investigations, and 41 stops were

⁵ There were 7 frisks that resulted in the seizure of non-weapons, and the total number of frisks reviewed is 740.

based on reports on observations of weapons or violent crimes. See Exhibit C. In light of the low hit rate for weapons and the fact that stops and frisks generate strong negative community relations (and continue to be racially disparate), the Police Department should as a matter of policy continue to assess the cost/benefit of this policing program.

5. Analyzing improper stops and frisks by category, there continue to be a significant number of cases in which the officer fails to state reasonable suspicion under established legal standards. These include:

- Stops made on “flash” information, but no such information provided by officer;
- Stops of single person “obstructing” the sidewalk;
- Stops and frisks made on anonymous information (e.g., man with gun; man with drugs);
- Stops of persons involved in a “disturbance,” “verbal dispute” or for panhandling;⁶
- Stops and frisks based on “suspicion” of narcotics activity, but without a factual basis;
- Stops based on an open container (not alcohol);
- Frisks made for narcotics; and
- Frisks made for “officer safety.”

That officers continue to make stops and frisks in these circumstances, many years after courts and the Consent Decree prohibited such conduct, is beyond any possible justification. The U.S. Supreme Court and Pennsylvania Supreme Court have both held that stops based on an anonymous call of “person with a weapon” are unconstitutional. *Florida v. J.L.*, 529 U.S. 266 (2000); *Commonwealth v. Hawkins*, 692 A.2d 1068 (Pa. 1997). Yet hundreds of persons each year continue to be stopped and frisked on this basis. See Exhibit B. Similarly, the Courts and the Consent Decree

⁶ We credit reports of “domestic” disputes.

prohibit stops based on “flash” information corroborated where the flash information is not by the reporting officer. Here, too, notwithstanding PPD training and counseling of officers there are hundreds of stops each year where officers fail to state the alleged “flash information.” See Exhibit B.

6. The parties agree that internal accountability is the key to compliance with the terms of the Consent Decree. The Police Department must impose sanctions against the officer who disregards explicit training, and the Sergeant (or other supervisor) who reviews and approves these stops. The Police Department delayed implementation of the accountability process until 2016, notwithstanding Police Department Directives on stop and frisk practices (currently Directive 12.11, Appendix B), that include:

1. Under Section 7, patrol supervisors must review each 75-48a, send incomplete forms back to the officer, and note what actions were taken where the officer did not provide sufficient reasons for the stop or frisk.
2. Under Section 8, Commanding Officers must take necessary actions to correct errors in stop and frisk practices including the identification of officers who fail to state reasonable suspicion, and they are accountable for officers and their supervisors who repeatedly engage in impermissible stops or frisks. The Commanding Officers must submit memorandum on a periodic basis detailing corrective actions taken.
3. Under Section 9, Special Unit Inspectors must complete audits of randomly selected stop and frisk reports, provide Commanding Officers under their supervision and command with memorandum detailing errors and deficiencies in these reports, review responses by the Commanding Officers as to remedial actions taken by the Commanding Officers, and to forward all findings and actions taken to the Chief Inspector, Office of Standards and Accountability.
4. Under Section 9, the Office of Standards and Accountability must ensure departmental compliance with stop and frisk procedures under the Directive (including reports on any racially biased or other discriminatory patterns), and provide quarterly audits of stop and frisk reports to various officials and offices within the Police Department, including the Police Commissioner, Deputy Police Commissioner and all Inspectors.

At the 2018 conference with the Court, the City agreed to full implementation of these policies. Specifically, the Police Department agreed to provide (1) retraining and counseling by the PPD Audit Division for officers with multiple stops and/or frisks without reasonable suspicion (and for the Sergeants who failed to address or correct these actions); (2) weekly training sessions by Captain Patterson to address impermissible stops and/or frisks, with specific “corrective action” in the form of verbal warnings, formal counseling, or formal disciplinary action; (3) Inspectors’ Memos/Reports detailing Police Division reviews of stops/frisks by patrol units, and (4) an electronic database of officers with multiple violations to be used to identify and sanction these officers.

While the first three measures have been operational this past year, it does not appear from the data provided to plaintiffs’ counsel that any officers or supervisors have been disciplined or otherwise sanctioned, even for multiple stops and frisks in violation of the Consent Decree. All notations provided to plaintiffs’ counsel reference re-training or counseling. The system-wide electronic database for repeat offenders has become operational only as of November 19, 2018.

Further, as Exhibit B demonstrates, even with the current review process, Sergeants inexplicably continue to miss large numbers of stops and frisks without reasonable suspicion. A review of stops and frisks in categories in which there have been repeated violations of the Consent Decree (what might be termed “egregious” stop patterns) in the first two quarters, 2018, disclosed over 150 cases in which the supervising sergeant failed to recognize the lack of reasonable suspicion and took no corrective action. For example, 40 of these improper stops were made on the basis of anonymous and unverified information of a “person with weapon.” Putting aside the very low “hit

rate” for these stops, the fact that officers continue to believe that such stops and frisks are permissible, and that their supervisors regularly fail to correct these practices demonstrates the need for comprehensive accountability measures. The same holds true for many stops of persons based on “flash information” not detailed by the officer, and stops otherwise prohibited by law. Without comprehensive and consistent supervisory review, and discipline where merited, the pattern of illegal stops and frisks will continue.⁷

To ensure accountability, Sergeants must (as required by the PPD Directive) review all stops and advise officers in every case where the stop and frisk was without reasonable suspicion. Further, the PPD Audit Division should, in every case in which it finds a stop or frisk without reasonable suspicion, determine from the assigned supervisor (including Sergeants, Captains and Commanders) what review was conducted and the results of that review. As required by the Department’s Directives, these measures must include a comprehensive and effective process for identifying officers (or their supervisors) who repeatedly engage in stops or frisks without reasonable suspicion *and* specific retraining, increased supervision, or other remedial, disciplinary action for these practices.

⁷ We provided the PPD a similar list of cases with our Eighth Report to the Court and the City informed us that the PPD review found that close to 90% of the stops in this sample that were made without reasonable suspicion had not been corrected by a supervisor.

IV. Conclusion

We expect that the City will emphasize the fact that the rate of stops and frisks without reasonable suspicion has decreased, but a comparative analysis with prior years can be misleading given the very high rates of illegal stops over the course of this litigation. On an absolute level there are still far too many stops and frisks without reasonable suspicion, and there is not substantial compliance with the Consent Decree. We believe that the Court should issue specific orders regarding internal accountability measures and compliance standards under the Consent Decree. We further urge the City to consider the hit-rate data and categories of stops in assessing the overall costs and benefits of stop and frisk practices. Plaintiffs will provide more detailed proposals at the conference with the Court to be held in January, 2019.

Respectfully submitted,

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/s/Paul Messing, Esquire

/s/ Susan Lin, Esquire

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Counsel for Plaintiffs

EXHIBIT A

Stops with no Frisk Recorded—First and Second Quarters, 2018

Sequence Number	Facts Indicating High Likelihood of Frisk
5199589	Person with gun; “no gun found on person”
5214829	Person with gun
5238496	Person with gun
5223049	“Frisked for marijuana”
5191910	Robbery investigation
5200111	Theft investigation
5176676	Person with gun
5185178	Robbery investigation
5171471	Robbery investigation
5201556	Robbery investigation
5185226	Stabbing investigation
5190293	Robbery investigation
5173520	Robbery investigation
5232142	Robbery investigation
5171990	JL
5182132	JL
5231481	JL
5185226	Stabbing
5236987	Person with gun
5268237	Burglary/break-in
5266792	Domestic Assault
5270942	Man with gun call
5274066	Robbery call
5250790	Robbery call--Sgt comment misses this issue
5317300	Robbery call
5324386	Person with gun call
5324597	Robbery or theft call
5273049	Person with gun call
5303743	Person with gun (“no gun recovered”)
5313512	Robbery call
5307293	Robbery call
5248839	Robbery call
5248675	Person with gun call
5262558	Person with gun call
5265845	Person with gun call
5286862	Person with gun call
5268191	Person with gun call
5270963	Person with gun call
5275850	Person with drugs call
5310579	Robbery call
5335009	Assault/theft investigation
5256147	person with weapon

5318771	persons with weapon
5159238	Founded aggravated assault
5161396	Stop for gun violation
5163689	Stop for report of person with gun
5165180	Stop for report of person with gun
5171471	Stop for report of robbery
5175698	Stop for report of robbery
5180715	Stop for report of person with gun
5181957	Stop for report of person with gun
5184319	Stop for report of home invasion robbery
5189132	Stop for report of person with weapon
5190608	Stop for report of person with gun
5192799	Stop for report of robbery
5193504	Stop for report of rape
5196191	Stop for report of robbery
5200028	Stop for report of firearm
5200658	Stop for report of person with gun
5200785	Stop for report of person with gun
5202094	Stop for report of robbery
5202862	Stop for report of shooting
5207916	Stop for report of aggravated assault
5214537	Stop for report of robbery
5214717	Stop for report of robbery
5215127	Stop for bulge and blading
5220065	Stop for report of robbery
5224413	Stop for report of aggravated assault
5225479	Stop for report of person with gun
5225765	Stop for report of shooting
5229387	Stop for report of person with gun
5233865	Stop for report of robbery
5235932	Stop for report of person with gun
5236987	Stop for report of person with gun
5237520	Stop for report of person with gun
5241483	Stop for report of robbery
5244118	Stop for report of person with gun
5283408	Verified call person with gun
5289792	Good stop for gunpoint robbery
5295316	Good stop for robbery
5297604	Good stop for robbery
5301235	Good stop for gunpoint robbery
5311457	Good stop for robbery
5328983	Good stop for robbery
5330392	Flight from shooting with bulge in waistband
5282790	Good stop for shooting

5311498	Good stop for robbery
5249465	Good stop for gunpoint robbery
5267304	Good stop for shooting
5270008	Good stop for Agg. Assault
5273631	Good stop for robbery
5291964	Good stop for robbery
5307465	Good verified PWG stop
5310416	Good armed robbery stop

5169733		p/weap; must have frisked b/c officer wrote that no gun was found
5171468		Said they investigated for firearm, but no frisk recorded
5220144		Shooting and the person stopped would not take hands out of pocket
5199635		Matched description of suspect for knife point robbery
5172113		p/gun
5225269		dog alerted for explosives at the person stopped
5232123		Saw the shape of guns
5160256		Armed robbery suspect
5227485		Shooting suspect
5200956		Shooting suspect
5160699		Point of knife robbery
5227134		Stabbing
5228714		Gun shaped bulge

5279301		Stopped for double homicide
5279552		Stopped for double homicide
5265087		Person with gun
5281029		Person with gun who was pointing gun at complainant
5293177		Stopped for gun point robbery
5309264		Stopped for a stabbing
5251327		Call for person with knife and pedestrian was shouting at others when police arrived
5268215		Pedestrian had a gun holster
5335877		Person with gun

EXHIBIT B

**Stops and Frisks: No Reasonable Suspicion and No Sergeant Comment
First Two Quarters, 2018**

Sequence Number	Facts
5178411	Two men standing and talking
5223574	Man with gun ("JL")
5173081	JL
5227846	No flash information provided
5193987	Narcotics investigation; no facts
5236405	Frisk for "possible weapons" no RS
5196289	Stop for open container, frisk for not having an ID
5164619	no flash information provided
5202675	stop for advising police that he is watching
5187219	Frisk for drugs
5226162	stop for person "walking to school"
5196577	stop and frisk for being in car in drug area
5212256	frisk for stop for marijuana
5198762	no flash information provided
5235826	robbery investigation; no facts
5162680	JL
5229779	JL
5160389	JL
5183188	no flash or description provided
5182132	JL
5231481	JL
5171990	JL
5238844	Frisk for stop for marijuana
5206327	standing on corner; high drug area
5231291	conducted a "mere encounter"
5175633	no flash information provided
5192498	no flash information provided
5242176	no flash information provided
5178429	no flash information provided
5194767	walking back and forth
5175308	no flash information provided
5216082	no flash information provided
5214942	no flash information provided
5173520	no flash information provided
5268781	Stop without RS; person with gun
5278310	No flash information provided
5247425	Spitting (pretext for marijuana stop)
5252277	Stop without RS; person with gun
5274188	Frisk for stop for drug possession
5300045	No flash information provided

5328100	No flash information provided
5255598	Narcotics investigation; no facts alleged
5325821	Stop without RS; person with gun
5257339	No flash information provided
5269664	Frisk based on "officer safety"
5294952	No flash information provided
5335973	No flash information provided
5329057	No flash information provided
5300323	No flash information provided
5336103	No flash information provided
5276403	No flash information provided
5262588	Stop without RS; person with gun
5268862	Stop without RS; person with gun
5265845	Stop without RS; person with gun
5257819	No flash information provided
5268191	Stop without RS; person with gun
5305447	Stop without RS; person with gun
5259145	Stop without RS; person with gun
5325989	Stop without RS; person with gun
5281459	Stop without RS; persons with gun
5303668	No flash information provided
5315867	Stop without RS; person with drugs
5318771	Stop without RS; persons with gun
5288148	Stop without R/S
5289967	PWG stop without R/S
5292888	Stop for "investigation" without details
5302561	Stop for hand-rolled cigar without odor of weed
5308741	Incomplete statement of facts supporting R/S
5256891	Stop without R/S
5300175	PWG stop without R/S
5303509	PWG stop without R/S
5310945	Just a rolled up cigar
5291557	Just standing in the rain
5307932	Did not fit description in PWG call
5314504	Bad radio call PWG
5258613	Flash without description
5258632	Just corner lounging
5273631	Bad radio call PWG
5290402	PWG call without description
5158574	Man just getting out of van
5158854	Just pushing unmarked shopping cart
5162327	Flash without descriptive info

5166917	Just pushing unmarked shopping cart
5170146	Smoking black & milds, not weed
5170509	Smoking black & milds, not weed
5170563	Possible theft with no details
5172135	"Wanted" stop with no supporting info
5174793	Just a group hanging on corner
5177485	Stop without descriptive info
5179311	Flash without descriptive info
5179858	PWG call unverified
5180715	PWG call unverified and without descriptive info
5185647	Just hanging on corner
5189132	PWG call unverified and without descriptive info
5190931	Just looking into one car
5192122	Stop without descriptive info
5193119	Smell of weed "in area"
5193359	Pushing unmarked shopping cart
5193935	Just seen in alley
5194556	Rolling tobacco cig
5197410	Smoking a cigar only
5197965	Panhandling only
5202900	Just a cigarette
5203464	Hanging out in drug area
5203577	Pushing unmarked aluminum cart
5206243	Panhandling only
5207998	Flash without descriptive info
5208535	Flash without descriptive info
5209466	Knocking on door
5212698	Homeless just congregating
5216065	Flash without descriptive info
5217119	Walking with hands in hoody pockets
5219698	Smoking black & milds, not weed
5220744	Pushing unmarked shopping cart
5221076	In store a long time without making purchase
5221544	Smell of weed "in area"
5222101	Hanging in front of store
5233620	not blocking pedestrians
5233466	Smoking a cigar, not weed

Sequence No.		Notes
5334620		Nothing about why they thought ped was involved with the cited crime
5261471		Simply citing police safety doesn't justify frisk

5267630		Just being with someone who is wanted for an FTA is not enough reason to stop or frisk
5302830		No flash information
5305191		Anonymous/unverified person with weapon call
5312202		Nothing about why they thought ped was involved with the cited crime
5317378		No flash information
5318941		Anonymous/unverified person with weapon call
5321342		Simply being with a crowd insufficient to stop
5322770		Simply citing "weapons and narcotics" doesn't justify frisk
5335688		Simply being with a crowd insufficient to stop
5253538		No info on why ped stopped prior to being run through NCIC
5269300		Anonymous/unverified person with weapon call – just calling it a mere encounter doesn't make it so – they ran his name and filled out a 48a
5298031		Fleeing from police does not indicate armed and dangerous
5298427		Cannot frisk for ID unless he was unconscious and it was a medical emergency
5318667		Anonymous/unverified person with weapon call
5287134		No flash information
5301957		Can't frisk this ped just because another person fled from the police
5304228		Can't stop someone simply because there was a call that he was "looking suspicious"
5308188		Can't frisk this ped just because another person fled from the police
5250649		Need to articulate reason for stop for each person stopped
5257873		Anonymous/unverified person with weapon call
5303729		Need to include the flash information

Sequence No.		Notes
5166346		No RS for stop for just walking in an alley
5225604		Bulge only
5234310		No flash information
5163635		Can't frisk for narcotics
5163644		No flash/no description
5177845		Walking out of alley only
5178748		Unverified p/gun

5170582		No flash info
5175176		Simply stating officer safety does not justify frisk
5238484		No flash description
5233776		Disturbance not enough
5202877		No flash info provided
5168612		Can't frisk/search for suspected weed
5210818		Frisk allowed, full on search was not allowed
5192405		Anonymous p/weap
5201690		Simply stating officer safety insufficient
5207620		Officer was affirmatively told before the stop that he was not the suspect, but stopped anyway
5224644		Anonymous p/gun
5229754		Enough for frisk, not full on search
5211178		No flash

EXHIBIT C

QOL Offenses

1. Bicycle infractions

17

5312171
5315809
5322574
5247960
5247960
5250413
5251564
5256579
5257431
5260498
5260519
5281978
5286199
5318130
5321591
5323235
5271414

2. Blocking sidewalk or entrance of store

12

5247488
5258494
5270014
5272219
5259307
5257758
5279059
5274066
5299161
5300793
5302177
5247425

3. Causing a disturbance

9

5320363
5249490
5254100
5252376
5253639
5287451
5295285
5304929
5269168

4. Curfew and truancy

11

5331380
5249172
5254546
5264167
5271028
5272971
5273991
5300596
5300601
5302500
5313997

5. Gambling

11

5309664
5315416
5328255
5264978
5275530
5289478
5302462
5314354
5316512
5257721
5257721

6. Illegally parked car

4

5310659
5327160
5327670
5320845

7. Jaywalking; standing in street blocking traffic

14

5271353
5298362
5332271
5246679
5249714
5258609
5307470
5323553
5335234
5337086
5249552
5272104
5288651
5256837

8. Littering or spitting

9

5316290
5332275
5252683
5261198
5278310
5289915
5255493
5258030
5258336

9. Open liquor container

42

5307457
5324257

5250735
5250735
5254089
5267550
5271316
5272206
5272238
5275485
5275685
5279435
5287982
5288000
5290058
5293888
5301947
5305823
5305823
5314379
5316391
5319110
5320890
5321195
5323703
5326114
5331601
5333607
5333653
5333672
5336649
5336690
5246915
5248439
5258752
5270304
5277981
5280799
5282755
5283337
5282563
5325645

**10. Panhandling;
begging**

6

5314917
5251596
5295533
5266421
5271041
5271058

**11. Scalping
tickets**

1

5250328

**12. Selling sports
team uniforms**

1

5250334

**13. Smoking in no
smoking area**

0

**14. Urinating in
public**

10

5335945
5279613
5248776
5260616
5259138
5298514
5282846
5287167
5309124
5256473

**15. Verbal
altercations**

0

Serious Offenses

1. Abduction

1

5321984

2. Burglary

5

5316571

5247204

5268237

5274031

5284581

3. Guns

16

5318983

5249281

5256341

5259145

5286981

5287222

5294948

5318771

5328161

5270942

5252277

5255702

5267445

5267445

5324386

5270857

4. Rape

2

5309554

5293948

5. Robbery

10

5268083

5276897

5275197

5284519

5250790

5256873

5258147

5287591

5300045

5317300

6. Shooting

3

5266432

5315402

5316858

7. Stabbing

0

8. Weapons

4

5281459

5268781

5251765

5251778

General Crimes

1. Burglary alarm investigation

6

5322855

5323155

5322956

5256715

5315141

5335131

2. Domestic violence or disturbances

1

5318000

3. Passenger in stopped car; pedestrian in company of person stopped

1

5277162

4. Presence in area being searched with a search or arrest warrant

2

5334715

5255598

5. Suspected fugitive (warrant outstanding)

2

5257299

5265187

6. Suspected theft or planning theft from cars

13

5288848

5288856

5321624

5256011

5261307

5278191

5288612

5307507

5258106

5314734

5320831

5264911

5270553

7. Suspicious activity (e.g., climbing over fence; in back alley; peering into building)

10

5332633

5258838

5291207

5255740

5260043

5253501

5271931

5295647

5322453

5330093

8. Theft generally

10

5337554

5266235

5292945

5293690

5307654

5324597

5332562

5253160

5303668

5254143

9. Threats, minor assaults, fights

7

5248267

5266792

5279231

5300190

5301988

5256641

5301935

10. Trespass offenses (incl. sitting on steps of abandoned property/houses)

6

5328490

5249328

5283675

5332573

5251504

5266896

Drugs**1. Smell or sight
of Marijuana**

67

5317053
5318438
5249565
5251539
5258122
5261651
5264338
5271334
5279414
5283997
5286084
5286084
5288833
5289992
5293909
5294835
5298853
5302565
5306298
5306298
5307692
5308708
5309232
5314282
5314375
5314393
5315331
5315332
5315326
5317346
5318392
5320288
5324549
5331984
5334780
5334769
5337621

5337651
5247386
5247386
5249571
5253199
5256273
5258766
5258814
5261468
5250550
5264416
5264705
5264599
5289184
5309152
5257079
5274188
5276249
5286011
5287117
5308107
5310190
5314143
5316989
5323927
5323927
5328410
5332357
5336884
5268707

**2. Suspected sale
of drugs (hand-to-
hand trans.)**

9

5321120
5321178
5334343
5315867
5248706
5257596

5257802
5257788
5267456